

120 - Federal Grants and Cooperative Agreements

SUBPART A - GENERAL INFORMATION

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SUBPART A – GENERAL INFORMATION

600.00 INTRODUCTION

A. USE

This section is to help employees who use grants or cooperative agreements to support the mission of the Natural Resources Conservation Service (NRCS) and to help them determine the appropriate legal instrument to use. Its use is designed for anyone who has a role in processing agreements or grants with other Federal agencies, State and local government and private sector organizations.

B. OTHER AGREEMENTS GUIDANCE

This section only applies to grants and cooperative agreements as defined in the Federal Grant and Cooperative Agreement Act of 1977.

The following is provided as additional guidance to the Federal Grants and Cooperative Handbook for use when working with the other types of agreements and should be added to the above section:

AGREEMENTS OTHER THAN THOSE WITHIN THE GRANT AND COOPERATIVE AGREEMENT ACT.

There is a category of agreements separate from Grant and Cooperative Agreement Act agreements, 2) project agreements with sponsors to carry out watershed and/or RC&D work, 3) agreements established with other Federal agencies by law requiring NRCS to carry out activities. NRCS, over the years has referred to these agreements as “working agreements” with several names and definitions within this category. Some examples of these along with the definition are as follows:

1. Economy Act

Goods or services provided by one Federal agency to another federal agency at cost and it is determined to be in the best interest of the government.

2. Memorandum of Understanding

A documented plan for carrying out a project or an undertaking of mutual interest to NRCS and one or more other parties. The other parties may be federal or nonfederal. These agreements provide for a joint sharing in the operation of the project or undertaking. Each party carries out its responsibilities by using its own authorities and resources, including funding. No financial or other resources are directly obligated, transferred or exchanged between the parties. The agreement may require

the parties to enter into another type of agreement that will involve the transfer of resources.

3. Joint Agreement

Joint agreements are characterized by three criteria:

- a. The parties who cooperate in a project or undertaking have mutual interest in its objectives, aims, and benefits.
- b. The parties share responsibility for planning and carrying out the project or undertaking, however each party is responsible for doing their own part.
- c. Each party contributes funds or other tangible resources to the project. Their contribution may not necessarily be equal so long as they carry out their own part.

Joint agreements have three **types**:

1. **Federal agencies** – agreements with other Federal agencies other than the Economy Act agreements. These are joint or cooperative ventures in which each agency contributes to part of the cost with funding separated and each agency's responsibilities spelled out. In this case each agency participating must have a program authority for the undertaking.
2. **State and local governments** – Agreements with state and local governments are affected by the Grant and Cooperative Agreement Act or Federal Procurement Act. Therefore, joint agreements have a very strict or narrow scope to prevent them from conflicting with procurement contracts and grant or cooperative agreements. For a relationship with a state or local government to be a joint agreement type, it must be outside the scope of procurement or Federal assistance and meet the criteria above.
3. **Other** – agreements with non-governmental organizations and with individuals are affected by the criteria for procurement contracts in the Federal Grant and Cooperative Agreement Act. For a relationship to be a joint agreement it must be outside the scope of procurement and other specific relationships or programs established by law and meet the criteria above.

4. Contribution Agreement

A relationship in which one or more nonfederal parties contribute funds or other resources to NRCS so NRCS can accelerate an ongoing activity. The two types of arrangements are:

- a. Funds contributed to NRCS to accelerate a soil survey, watershed planning, etc. for the mutual benefit of both NRCS and the nonfederal party. Usually the nonfederal party needs the information or assistance within a shorter period of time than the schedule and they agree to provide the extra funds to accelerate the work.
- b. To further soil and water conservation the nonfederal party contributes resources on a gratuitous basis to NRCS. The furnished resources may be services of employees, or use of real and personal property. There are certain limitations on the type of services that may be provided and whom NRCS can accept services from.

5. Agreements for NRCS services

Agreements to document arrangements whereby NRCS furnishes specialized and technical services on an actual cost recovery basis to States and local units of government. These agreements are limited to non-personal services; they cannot provide for detailing of NRCS employees to non-federal organizations or provide services on a cost-share basis. These services can be provided if:

- a. Determined the service is not reasonably and expeditiously available from private industry through ordinary business channels.
- b. The State or local unit of government requests the service in writing.
- c. NRCS has the personnel, staffing, equipment and facilities.
- d. NRCS currently provides similar services for its own use.
- e. The cost of providing the service is fully recovered.

6. Interagency Agreements

Refer to joint agreements 3 (1) above with Federal agencies when not under the Economy Act. The above reference states Federal agencies use their own authorities, however there are times when Federal agencies co-mingle funds with one agency taking the lead to carry out a mutual undertaking. The program funding authority for each of the agencies must provide specific authority to carry out the undertaking; otherwise they cannot co-mingle the funds. The agencies may then have to enter into a joint agreement using their separate program authorities with no lead agency, as in 3 (1).

For additional guidance with other agreements such as Economy Act, Project Agreements, etc., refer to the National Contracts, Grants and Cooperative Agreements Manual and SCS Property Management Regulations, etc.

600.01 AUTHORITY

A. FEDERAL STATUTORY AUTHORITIES

Subpart I – Exhibits, Part 600.190 lists the Federal statutory authorities of NRCS to enter into procurement contracts, grants or cooperative agreements. Also included in part 600.190 is a summary table which provides guidance on selecting the appropriate instrument under a particular statute. **Note:** Some statutes only provide authority for procurements and not grants or cooperative agreements.

600.02 DEFINITIONS

A. APPLICANT

An individual, organization, agency, unit of government or entity which submits an application for an NRCS discretionary grant or cooperative agreement.

B. APPLICATION

A written request for an NRCS discretionary grant or cooperative agreement.

C. DOMESTIC GRANTS AND COOPERATIVE AGREEMENTS

Domestic grants and cooperative agreements are those entered into between the NRCS and a recipient located and operating within the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

D. FINANCIAL ASSISTANCE

Transfer of a thing of value to a recipient in order to accomplish a public purpose of support or stimulation.

E. INTERNATIONAL (FOREIGN COUNTRIES) GRANTS AND COOPERATIVE AGREEMENTS

NRCS lacks authority to provide financial assistance to foreign countries.

F. RESPONSIBLE OFFICIAL

A responsible official is a program manager, contract specialist or other individual assigned the duties of advertising, evaluating, negotiating, and administering grants and cooperative agreements in accordance with the FGCA. A responsible official may also be a signatory official depending upon the authorities delegated to the individual. A responsible official has the responsibility to sign for the technical adequacy of the grant or cooperative agreement's statement of work, justification statement, program authority, funding source, and technical approvals during the administration of the grant or cooperative agreement.

G. SIGNATORY OFFICIAL

A signatory official has **final** authority such as the Chief and others as delegated by the Chief in General Manual 130-400 to obligate the Government. As such, those delegated authorities from the Chief to obligate the Government may issue a separate written re-delegation of that authority to others; provided those individuals receiving the re-delegation complete appropriate training on grants and cooperative agreements. Contract specialists, consistent with their contracting officer warrant limitations, also have the authority to enter into grant and cooperative agreement obligations as signatory officials.

600.03 GENERAL DISCUSSION

A. SECRETARY OF AGRICULTURE

Congress provides the statutory authority to the Secretary of Agriculture that is the basis by which agencies are granted authority to carry out a specific program. The Secretary must then delegate the authority to a specific agency head before the agency may implement any program. Additionally, Congress must also provide funding to carry out the program. If funding is not authorized, an agency may not use funds appropriated for one program to carry out another program.

B. INHERENT AUTHORITY

Every federal agency has the inherent authority to contract for goods and services it needs provided the procurement is within the agency's mission and not prohibited by statute. However, agencies do not have inherent authority to grant money or property to benefit a party other than the government. These actions must be specifically authorized by Congress. The Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301-6308, Pub. L. 95-224) conveys no authority to provide federal financial assistance. The Act provides guidance on the three award instruments—grants, cooperative agreements and contracts. The agencies have authority to select the appropriate instrument as long as it is within the limits of their program legislation. If NRCS is authorized to enter into either a procurement or assistance relationship to accomplish a particular program objective, then the Act gives the authority to select the appropriate instrument. The Federal Acquisition Regulations (48 CFR) provide guidance on the use of contracts.

C. SPECIFIC ELEMENTS

The specific elements of grants and cooperative agreements are governed by various Office of Management and Budget (OMB) Circulars and by USDA implementing regulations. See Subpart I – Exhibits, Part 600.191.

D. LEGAL LANGUAGE

Contracts, grants and cooperative agreements are NOT to include language that agrees to indemnify, defend, or hold harmless the recipient, or its agent or employees from or against any or all losses, damages, liabilities, claims or judgments resulting from, related to, or arising from the instrument.

SUBPART B - ADVERTISING

600.10 Advertising For Grants and Cooperative Agreements

600.11 Process Initiation

600.12 Determination

600.13 Competitive Solicitation

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600.15 Application

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600.10 GRANTS AND COOPERATIVE AGREEMENTS ADVERTISING

A. PREPARE A REQUEST

When NRCS has a particular activity to accomplish, a request is prepared providing information listed in Subpart I – Exhibits, Part 600.193. It is highly recommended contact be made with the NRCS responsible official prior to the submission of the request. This will enable the responsible official to finalize elements for a statement of work which will be used later.

600.11 PROCESS INITIATION

A. HOW TO BEGIN THE PROCESS

The process begins with either a request from NRCS personnel or an unsolicited application. An entity may submit an unsolicited application to NRCS at any time; however, this application may still require competition. Utilize Subpart I – Exhibits, Part 600.192, “Decision Tree” to aid in determining the appropriate instrument (contract, grant or cooperative agreement) to use to accomplish a specific need.

600.12 DETERMINATION

A. LEGAL INSTRUMENTS

The Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301-6308, Public Law 95-224) provides guidance to determine which of the three legal instruments to use:

B. GRANT AGREEMENT

A grant agreement reflects a relationship between NRCS and a State, local government or other recipient whenever the *principal* purpose of the relationship is the transfer of a thing of value to a recipient in order to **accomplish a public purpose** of support or stimulation authorized by Federal law and **substantial Federal involvement is not anticipated**.

Substantial involvement is not anticipated when the terms of an instrument indicate that the recipient can expect to run the project without agency collaboration, participation, or intervention as long as it is performed in accordance with the terms of the instrument. Substantial involvement **does not** include:

- a. Approval of recipient plans or applications prior to award;

- b. Normal Federal management during the project such as site visits, performance reports, financial reporting, and audits to ensure that standards, objectives, terms and conditions of the project are accomplished.
- c. General statutory requirements agreed to in advance of award such as civil rights, environmental protection, and provisions for the handicapped;
- d. Review of performance after completion;
- e. General administrative requirements such as those set forth in 7 CFR Parts 3015, 3016, and 3019; and,
- f. Unanticipated NRCS involvement to correct deficiencies in project or financial performance from the terms of the assistance instrument.

C. COOPERATIVE AGREEMENT

A **cooperative agreement** reflects an assistance relationship between NRCS and a State or local government or other recipient whenever the *principal* purpose of the relationship is the transfer of a thing of value to a recipient in order to **accomplish a public purpose** of support or stimulation authorized by Federal law and **substantial Federal involvement is anticipated**.

Substantial involvement is anticipated when the instrument indicates that the recipient can expect agency collaboration or participation, or close agency oversight and control. Each cooperative agreement shall include an explicit statement of the nature, character, and extent of anticipated involvement by NRCS. **Activities generally associated with substantial involvement are:**

- a. Authority to suspend work if specifications or work statements are not met;
- b. Review and approval of one stage of work before another can begin;
- c. Review and approval of substantive provisions of proposed sub-grants or contracts beyond existing Federal policy;
- d. NRCS and recipient collaboration or joint participation;
- e. Monitoring to permit specified kinds of direction or redirection of the work because of interrelationships with other projects;
- f. Highly prescriptive NRCS requirements which limit recipient discretion;
- g. Review and approval of key personnel; and,
- h. Substantial, direct NRCS operational involvement or participation during the assisted activity.

D. CONTRACT

A **contract** reflects a relationship between NRCS and a State or local Government or other recipient whenever the *principal* purpose of the instrument is to acquire (by

purchase, lease or barter) property or services for the **direct benefit or use of the Federal Government** or the agency decides in a specific instance that the use of a procurement contract is appropriate.

Examples of acquisitions are:

- a. Projects which support NRCS administration and management;
- b. Construction or rehabilitation;
- c. Advisory and assistance services;
- d. Surveys, studies and analyses which provide specific information desired by the Federal Government for its direct activities;
- e. Planning for Federal Government use;
- f. The generation of management information or other data for Federal Government use; and
- g. Production of publications or audiovisual materials required primarily for directly conducting the operation of the Federal Government.

E. INTERMEDIARY SITUATION

An **intermediary situation** can arise when NRCS funds an organization, which then provides products or services to eligible recipients. The choice of instruments for an intermediary relationship depends solely on the *principal* Federal purpose in the relationship with the intermediary. The fact that the product or service produced by the intermediary may benefit another party is irrelevant. What is important is whether the Federal Government's *principal* purpose is to acquire the intermediary's services, which may happen to take the form of producing a product or carrying out a service that is then delivered to an assistance recipient; or if the Government's *principal* purpose is to assist the intermediary to do the same thing. The Responsible Official must determine whether to use a procurement contract, grant, or cooperative agreement to reflect the relationship between NRCS and the intermediary organization.

The following is provided to assist officials in selecting the appropriate instrument:

1. A procurement contract should be used when:
 - a. It is the purpose of NRCS to acquire the product or services of a recipient which will, in turn, deliver the product to another authorized recipient for the purposes of support or stimulation, or
 - b. The purpose of NRCS is to acquire the product or services of a recipient, which then procures the product or services from another.
2. A grant or cooperative agreement should be used when it is the purpose of NRCS to assist a recipient for the purpose of support or stimulation.

The distinction between “assisting” and “acquiring the services” of an intermediary is not always clear and must be made on a case-by-case basis. Factors that can help the Responsible Official make a determination are:

- a. An examination of the purpose of the proposed activity, determining whether the *principal* purpose of NRCS will be to acquire services or to stimulate or support the recipient;
- b. Whether the program office is using an assistance instrument to avoid the statutory and regulatory requirements for competition;
- c. Whether statutory authority exists for the award of financial assistance to a primary or intermediary organization; and
- d. Whether funds contributed to NRCS by another Federal agency are being used by that agency to avoid statutory and regulatory requirements.

600.13 COMPETITIVE SOLICITATION

A. COMPETITIVE DETERMINATION

Once a decision has been made as to the type of instrument to use, competition determination must be made. At a minimum, seek competition in accordance with 7 CFR 3015. The exemptions listed below are the only measures by which you cannot compete a request. If it is determined that competition will not be sought, include written documentation to support the decision (see Subpart I – Exhibits, Part 600.194 for an example). Ensure the decision is signed by an authorized responsible and/or signatory official and the original is kept in the official file. Documentation should include the following:

1. A brief statement of the proposed project, including the relationship between the parties;
2. The specific exemption in 7 CFR 3015.158 (d) that is applicable and why. The exemptions are as follows:
 - a. Non-monetary awards of property or services;
 - b. Awards of less than \$75,000;
 - c. Awards which cannot be delayed due to an emergency or a substantial danger to health or safety;
 - d. Awards when it is impracticable to secure competition; or
 - e. Awards to fund unique and innovative unsolicited applications.
3. Other specific criteria met by the applicant that demonstrates the award is in the best interest of the Federal Government.

4. The use of an exemption is not the rule, it should be the exception. Always use good business judgment in determining whether or not to compete a proposal.

600.14 PROGRAM ANNOUNCEMENT

A. PUBLICATIONS

Utilize publications such as the Federal Register, professional trade journals, Commerce Business Daily (CBD), the Catalog of Federal Domestic Assistance, newspapers or any other appropriate means of solicitation in order to reach the highest number of potential applicants. Announcements for applications shall be in a manner which provides for the maximum amount of competition feasible.

B. ANNOUNCEMENT FORMAT

When advertising for potential applicants, include the following: (See Subpart I-Exhibits, Part 600.195 and 600.195a for an example.)

1. A description of the eligible activities which the NRCS proposes to support and the program priorities;
2. Application form or format to be used, including guidance on expected order of information required in the application;
3. Include a requirement for a narrative description that clearly describes the total project to be accomplished, methodology, objectives to be accomplished, milestone schedule for completion, anticipated sub-grant or subcontracting activity, and desired results;
4. Eligible applicants;
5. Deadline for receipt of applications (usually 20-45 days);
6. Name and address where applications must be submitted and number of copies required;
7. Total NRCS program funding available to be awarded;
8. If the appropriations limit the period of availability of funding state expected performance periods;
9. Include a statement notifying applicants that any awards are subject to the availability of funds being appropriated by Congress;
10. The maximum value of award, if limiting the size or number of awards is desired;

Evaluation criteria and weights assigned to each;

12. Methods for evaluating and ranking applications;
13. Any required forms, certifications, assurances, disclosures, etc.; and that they can be obtained from the issuing office;
14. Include a statement which indicates that the applicant, by signing or submitting this application or grant agreement, is providing a certification set forth in Appendix C to 7 CFR Part 3017; Certification Regarding Drug-Free Workplace Requirements.
15. The NRCS contact person and phone number;
16. Applicable cost principals, cost matching or sharing, and administrative requirements;
17. Indicate the type of funding instrument intended to be used, if it has been determined; and
18. The Catalog of Federal Domestic Assistance number and title as outlined in the Office of Management and Budget Circular A-89, if available.

600.15 APPLICATION

A. RESPONSIBILITY

It is the sole responsibility of the applicant to complete grant or cooperative agreement applications. This includes filling in the appropriate blocks on the cover sheet SF-424, Application for Federal Assistance, and budget sheets SF-424a or SF-424c, providing a detailed cost breakdown in support of the budget sheets and project narratives with a detailed discussion of the project and methodology to be used. NRCS personnel may provide guidance to potential applicants on the appropriate forms to submit, program information, instructions on how to complete blocks or sections of forms, etc. Both competitive and noncompetitive applications require the use of these forms.

B. DOMESTIC GRANTS AND COOPERATIVE AGREEMENTS

Domestic Grants and Cooperative Agreements are those entered into between the NRCS and a recipient located and operating within the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

C. INTERNATIONAL (FOREIGN COUNTRIES) GRANTS AND COOPERATIVE AGREEMENTS

NRCS lacks authority to provide financial assistance to foreign countries.

600.16 PROCESS

A. PROCESS FLOW CHART

The complete process for grants and cooperative agreements is outlined in a flow chart found in Subpart I – Exhibits, Part 600.214.

SUBPART C - APPLICATIONS EVALUATION

600.30 Initial Applications Screening

600.31 Evaluating, Negotiating, Formatting, and Executing Grants and Cooperative Agreements

600.32 Review Board

600.33 Evaluation of Solicited (Competitive) Applications

600.34 Evaluation of Unsolicited (Non-competitive) Applications

600.35 Negotiation

600.36 Statutory Authority, Appropriations, and Conflicts of Interest

600.37 Application Package Review

600.38 Financial Plans Cost Analysis

600.39 Financial Strengths and Capabilities

600.40 Payment

600.41 Liability

600.42 Interest

600.43 Certifications

600.44 Prior Approvals

600.45 Reporting Requirements

600.46 Equipment 600-55

600.47 Negotiations and Written Documentation

600.48 Awarding Grants and Cooperative Agreements

600.49 Recipient Award

600.50 Final Execution and Official Award Distribution

600.51 Debriefing and Appeals

600.30 INITIAL APPLICATIONS SCREENING

A. ELIMINATING APPLICATIONS

Initial applications screening may be beneficial in a competitive situation by eliminating applications that do not meet the terms of the program announcement. Unacceptable proposals are to be promptly returned to the applicant with an appropriate explanation. Review the applications to insure the applicant(s) are not on the “List of Parties Excluded From Federal Procurement and Non-procurement Programs.”

B. UNACCEPTABLE APPLICATIONS

Unacceptable Applications include; but are not limited to, the following examples:

1. It does not fall within the provision of the NRCS statute under which a grant or cooperative agreement may be issued.
2. It is so obviously deficient that it could not be remotely considered for award such as a 3-line narrative project proposal with no forms; or
3. It falls outside the dollar threshold stated in the program announcement.

600.31 EVALUATING, NEGOTIATING, FORMATTING, AND EXECUTING GRANTS AND COOPERATIVE AGREEMENTS

A. APPLICATION EVALUATION

Evaluate applications received objectively whether or not they were submitted under solicited (competitive) or unsolicited (noncompetitive) circumstances.

B. SOLICITED APPLICATIONS

Solicited applications should be analyzed and evaluated based on the specific evaluation criteria contained in the program announcement. A Review Board will accomplish this task.

C. UNSOLICITED APPLICATIONS

An unsolicited application may be received that is not submitted in response to a particular announcement. These applications are normally considered under existing program announcements for which they are best suited. If the application does not fall under a recent, current, or planned announcement, a non-competitive award may be made

if there is sufficient merit to the proposal. Otherwise, the application should be returned to the applicant. For applications considered by the NRCS, the application should be analyzed and evaluated using many of the same criteria as in a competitive evaluation, with the exception of ranking applications based on set evaluation criteria. Document the evaluation in writing. A Review Board will accomplish this task.

600.32 REVIEW BOARD

A. BOARD MEMBER QUALIFICATIONS

Offices that award grants and cooperative agreements on a competitive and non-competitive basis will appoint a Review Board for awards of \$75,000 or more. The Responsible Official will appoint the Board Members. The Review Board will consist of a minimum of three members to review, evaluate, and make recommendations to the Responsible Official. The board members must be qualified to evaluate the unique requirements particular to the program announcement. Board Members may be from within and outside the Federal Government. However, at least one member of the Review Board must be an NRCS employee. The following is applicable to the Review Board:

B. CHAIRPERSON

The Board must select a Chairperson from among the Board Members. The Chairperson will serve as the liaison between the Board and the Responsible Official.

C. PROPOSAL(S) REVIEW

Review proposals from applicants based on the published criteria (evaluation factors) contained in the program announcement. An independent review will be performed and documented by each Board Member via a numerical rating factor and narrative documentation. The Board will discuss each Board Member's individual review, resolve and document major differences, and come to a group consensus. The Chairperson will seek guidance from the Responsible Official to resolve any conflicts. The Chairperson will forward the Review Board's recommendations to the Responsible Official.

D. CONFLICT OF INTEREST

A Board Member cannot be an individual with approval authority or anyone who might appear to have a conflict of interest when acting as a Board Member.

E. AWARDS OF LESS THAN \$75,000

For awards of less than \$75,000, the Responsible Official may review and evaluate the proposals. The Responsible Official may appoint a Review Board to evaluate proposals with estimated costs of less than \$75,000.

600.33 EVALUATION OF SOLICITED (COMPETITIVE) APPLICATIONS

A. SOLICITED APPLICATIONS EVALUATION

After the applications have passed through the initial screening process, the Review Board shall take the following steps:

1. EVALUATE APPLICATIONS

Evaluate all applications based on published evaluation criteria identified in the program announcement to determine whether the application is acceptable and should receive funding. The relative merits of each application should be weighed and the evaluation should be in writing.

2. REVIEW GUIDELINES

Consider the following guidelines in reviewing an application:

- a. Ensure that the application meets the provisions of NRCS statute under which the grant or cooperative agreement will be issued.
- b. Evaluate the quality of the application narrative which describes the proposed project, including the needs assessment, long- and short-term objectives, technical

methodology, overview of the organization, monitoring systems, milestone schedule, anticipated sub-grant or subcontracting activity, and desired results.

- c. Determine the demonstrated competence of the principal investigator, project manager, or key personnel and the amount of time they plan to devote to the project.
- d. Determine the adequacy of available facilities and equipment.
- e. Determine the relationship of the project proposal to work completed or under way by others.
- f. Ensure the reasonableness of the total estimated project cost and the amount to be contributed by the applicant.
- g. Consider the relevance and importance of the proposed project to solution of specific areas of inquiry or program priorities.
- h. Consider the feasibility of attaining objectives during the life of the proposed project.

3. APPLICATIONS RANKING

Rank applications, provide written evaluations, and recommend award(s). Any matters needing resolution prior to award should be identified for use by the personnel designated to conduct negotiations.

4. SAFEGUARDING AND CONFIDENTIALTY

The NRCS receives applications in confidence. Precautions should be taken for protecting the confidentiality of the contents. The applications should be placed in a locked safe or cabinet. Information must not be revealed which could provide an advantage of one applicant over another, or any information contained in another applicant's submission.

5. REVIEW BOARD RECOMMENDATIONS

Based on the recommendations of the Review Board, the Responsible Official will select applications for potential award. The rankings and recommendations of the Board are only advisory. The Agency is not bound to make the award to the applicant with the highest ranking. Notification may be made to the applicant(s) that the application has been selected for potential award and is subject to negotiation. Care should be taken to ensure the applicant does not construe the conversation to mean an award has been made or that work may start, since the outcome of the negotiation process may result in no ultimate award if agreement cannot be reached. Notify applicant(s) that are not selected with an appropriate explanation. Applications may be returned with the notification or retained for possible future consideration.

6. DOCUMENTATION

Documentation concerning the Review Board must be maintained in the NRCS official files. This material may include; but is not limited to, records of each review performed by the individual Board Member, records of pertinent discussions, completed forms, actions taken regarding conflicts of interest, records of reviewers' qualifications, etc.

600.34 EVALUATION OF UNSOLICITED (NON-COMPETITIVE) APPLICATIONS

A. RESPONSIBLE OFFICIAL DETERMINATION

A determination must be made by the Responsible Official that the unsolicited application:

1. Does not fall under a recent, current, or planned program announcement;
2. The application contains unique and innovative method or concepts;
3. It has significant potential for contribution to the Agency's mission, and
4. It falls within the Agency's legislative and program authorities.

B. READY FOR EVALUATION

After the Responsible Official determines the unsolicited application is ready for evaluation, take the following steps:

1. Use the criteria in Subpart C, Applications Evaluation, Part 600.34, "Review Guidelines" for guidelines to evaluate non-competitive applications.
2. Any matters needing resolution prior to award should be identified in the written evaluation for use by the personnel designated to conduct negotiations.
3. The NRCS receives applications in confidence. Precautions should be taken for protecting the confidentiality of the contents. Place the application in a locked safe or cabinet.
4. The unsolicited application and written evaluation must be submitted to the Responsible Official to determine if the application should be selected for award. Notification should be made to the applicant that the application has been selected for potential award and is subject to negotiation.

Care should be taken to ensure the applicant does not construe the conversation to mean an award has been made or that work may start, since the outcome of the negotiation process may result in no ultimate award of an instrument if agreement cannot be reached. If the application is not selected for award, notify the applicant with an appropriate explanation. The application may be returned with the notification or retained for possible future consideration.

C. UNSOLICITED APPLICATION SOLICITATION DETERMINATION

Responsible Official will determine the Solicitation under which the application is to be evaluated. The application will be subject to the competitive announcement procedures.

600.35 NEGOTIATION

A. NEGOTIATING

Negotiating with the applicant(s) whose applications have been determined acceptable for potential award is the next step.

1. NEGOTIATION PURPOSES

The purposes of technical and administrative negotiation of grants and cooperative agreements are to:

- a. Ensure that the proposal is technically correct and complete;
- b. Reach an understanding on administrative requirements and procedures;
- c. Ensure understanding and agreement of the project purpose, definition, timing, proposed budget, including indirect cost, specific items or categories of direct cost, cost sharing, or matching requirements; any other special terms and conditions; and
- d. Ensure that costs included are fair, reasonable, necessary and result in the lowest ultimate overall cost to the NRCS.

2. RESPONSIBLE OFFICIAL

The Responsible Official is responsible for technical and administrative grants and cooperative agreements negotiation and may use, as appropriate, other technical and administrative personnel for assistance.

3. APPLICATION REVIEW

Prior to both technical and administrative negotiations, the application should be reviewed carefully to identify any weaknesses, questioned cost elements, or missing paperwork. This is applicable even though the application may have received a review from the Review Board. The Board review may be restricted to evaluate only a few criteria. Special attention should be given to the areas listed in 600.37, "Statutory Authority, Appropriations, and Conflicts of Interest," and 600.38, "Application Package Review."

STATUTORY AUTHORITY, APPROPRIATIONS, AND CONFLICTS OF INTEREST

A. STATUTORY AUTHORITY

The Responsible Official must check the statutory authority to enter into the grant or cooperative agreement. Compare a copy of the statute cited in SF-424, Block 10, to the project narrative to ensure the application meets the provisions of the NRCS statute under which the grant or cooperative agreement should be issued. See applicable statutes for additional information regarding NRCS Statutory Authority in Subpart I–Exhibits, 600.190, “Authorities.” If the proposed project does not meet the statutory and program requirements, a grant or cooperative agreement cannot properly be awarded. If the proposed project does meet the statutory requirements, check the statute for any matching or cost-sharing requirements to ensure the proper contributions are reflected when performing the cost analysis. Matching or cost-sharing requirements should be clearly identified in the statute and/or in NRCS policy. Unless specifically provided by statute, recipients may not use the same funds to meet nonfederal matching share requirements of more than one grant program at a time, or use funds received under other Federally funded grants, cooperative agreements, or contracts.

B. APPROPRIATIONS

Consider these three (3) areas when analyzing appropriations:

1. Look at the type of appropriations with which the grant or cooperative agreement should be funded. The intent to appropriate funds must be expressly stated in the statute. Appropriations designated for specific use are only available for certain types of activities (e.g., use research funds only for research activities).
2. Obtain written funds availability from other entities involved in the agreement. When unsure about the type of appropriations provided, contact the fiscal personnel for advice.
3. An appropriation which specified a definite period of time for expenditure of funds may be used only for expenses incurred during that period.

C. CONFLICTS OF INTEREST

Ensure there is not a conflict of interest or the appearance of a conflict of interest with the applicant or any personnel the applicant proposed to use. Determine this by reviewing the application for information such as:

1. Any present or former employee of U.S. Department of Agriculture (USDA) to be paid in any way with funds provided by the grant or cooperative agreement.
2. Any invention to be perfected with grant or cooperative agreement funds that may constitute a conflict with the applicant’s rights because of prior conception.

3. Disclose any grant or cooperative agreement funds to be used to purchase equipment, services, or supplies from entities which the applicant's staff member has a significant financial interest in.
4. Data on the proposed award of a sub-grant or subcontract to an organization with which a USDA official has formerly been associated.

600.37 APPLICATION PACKAGE REVIEW

A. APPLICATION REVIEW

During the application for Federal assistance review, ensure that:

1. All forms are completed properly and signed by an official with the appropriate authority to bind the applicant's organization;
2. Costs have been analyzed;
3. The applicant's financial strength and capability are acceptable; and
4. All negotiation elements have been identified.

B. SF-424, FEDERAL ASSISTANCE APPLICATION

Each block on the Form SF-424 should be reviewed to ensure the information is accurate and complete.

1. BLOCK 1: TYPE OF SUBMISSION

The appropriate block should be marked as to whether the application involves a construction or non-construction project. The application should not be designated construction if the project involves insignificant amounts of construction as opposed to nothing but the building of a structure. It is not common for statutes to include the building or improvement of other's structures; however, from time to time specific line item appropriations, statutes, or other statutory amendments, may authorize such construction projects. If an application involves any improvement or construction of a facility, and no NRCS statutory authority can be found to support the action, the application should not be approved.

2. BLOCK 2: DATE SUBMITTED

This block is self-explanatory.

3. BLOCK 3: DATE RECEIVED BY STATE

This block is self-explanatory.

4. BLOCK 4: DATE RECEIVED BY FEDERAL AGENCY / FEDERAL IDENTIFIER

These blocks should be left blank by the applicant. The NRCS Responsible Official must assign a Federal Identifier (NRCS Agreement Number) at a later date, if the application is selected for approval and is legally sufficient.

5. BLOCK 5: APPLICANT INFORMATION

This block is self-explanatory.

6. BLOCK 6: EMPLOYER IDENTIFICATION NUMBER

This block is self-explanatory.

7. BLOCK 7: TYPE OF

APPLICANT

The applicant should select the proper designation for their organization. Identify nonprofit and international agencies / organizations in block 7N, Other.

8. BLOCK 8: TYPE OF APPLICATION

An applicant should identify the type of application for an initial grant or cooperative agreement as “new.” An applicant should mark this block if the action is not the result of an existing grant or cooperative agreement with the NRCS (such as a modification involving a continuation or revision).

9. BLOCK 9: NAME OF FEDERAL AGENCY

This block is self-explanatory.

10. BLOCK 10: CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBERS

This number is assigned to NRCS programs in the semi-annual Catalog of Federal Domestic Assistance. If the applicant has left his blank, NRCS personnel should locate the catalog number and program title and insert them appropriately. Where there is not a catalog number assigned, such as for International Grants and Cooperative Agreements, the applicable statutory authority should be cited.

11. BLOCK 11: DESCRIPTIVE TITLE OF APPLICANT’S PROJECT

This block is self-explanatory.

12. BLOCK 12: AREAS AFFECTED BY PROJECT

The applicant should list the largest political entities affected (states, counties, and cities).

13. BLOCK 13: PROPOSED PROJECT (START DATE / END DATE)

In this block, reflect the amount of time necessary to complete the proposed project, which may range from a short period of 30 days to not more than 5 years.

Frequently, the proposed "start date" may have already passed. Since no potential recipient can be allowed to incur costs prior to award of an instrument, the date may need to be corrected with a pen-and-ink change. If this is the case, the "start date" could be changed to "Date of Award". An exception is when a letter of cost incurrence has been signed and dated prior to any costs being incurred. If this is the case, the date the letter of cost incurrence was issued should be written in the block.

14. BLOCK 13: NRCS FUNDING

When the NRCS intends to fund an entire grant or cooperative agreement, display the total period of performance in Block 13. For example, if a project performance period spans 2 years, funding to cover the full 2 year's work must be obligated at the time of award.

15. BLOCK 13: PERFORMANCE PERIOD

The application for an initial grant or cooperative agreement, which may request funding for periods up to five years, should reflect the total performance period in SF-424, Block 13. When the initial award document is issued, change Block 13 (pen-and-ink) to reflect the initial funding period. (See Block 15 for direction on funding changes.) For example, if funding is available only for the first two years of a proposed five year project, the initial funding period would be two years. In this case, the award shall contain the following statement: "The NRCS anticipates funding the subsequent proposed performance periods subject to availability of funds and/or agency discretion." A continuation amendment would be issued to cover the second funding period (the third year of work or for whatever period that funding is made available.)

16. BLOCK 14, CONGRESSIONAL DISTRICTS OF APPLICANT/PROJECT

This block should be completed by the applicant.

17. BLOCK 15, ESTIMATED FUNDING: 15a FEDERAL

Use this block to show the NRCS funding obligated for the approved performance period identified in Block 13. For entire projects, the funding would cover the total approved performance period, which may span for more than one year but not more than five years. The NRCS will obligate funds for the initial performance period,

which may be more than one year. Funding for the remaining future performance and funding periods would be provided by issuing a revision to the initial grant or cooperative agreement in the subsequent year. If the applicant is proposing other Federal funding, it should be separated from the NRCS funds and shown in either Block 15a or Block 15e, with wording designating it as such.

18. BLOCK 15, ESTIMATED FUNDING: 15b APPLICANT

Use this block to show the applicant contribution or matching requirement (if any). The total applicant contribution may be made up of non-cash or in-kind contributions. To capture the true reflection of total project costs, the applicant's contribution should be separated by whichever categories are applicable. This can be accomplished by either entering two lines in Block 15b or using Block 15e (Other), with wording designating the type of contribution, or in the remarks block of SF-424A. If the remarks block is used, an asterisk should be shown on Block 15b of SF-424 so they correlate properly and all parties clearly understand what makes up the total project costs.

19. APPLICANT'S NON-CASH CONTRIBUTION

An applicant's non-cash contribution is the expense the applicant incurs that is contributed to the project in lieu of cash for their share of direct and indirect costs, such as employee salaries, overhead, travel, equipment, supplies, and so forth (allowable costs). These do not include in-kind contributions from third parties, non-Federal organizations, or volunteer labor. In-kind contributions are non-cash contributions from third parties that the applicant receives to be used in the project, such as volunteer labor, donated materials, and equipment, where the applicant incurs no expense. In-kind contributions are not reimbursable.

20. BLOCK 15, ESTIMATED.FUNDING: 15c STATE

Use this block to show any contributions the applicant received from a State agency.

21. BLOCK 15, ESTIMATED.FUNDING: 15d LOCAL

Use this block to show any contributions the applicant received from a local Government.

22. BLOCK 15, ESTIMATED FUNDING: 15e OTHER

Use this block to show any contributions the applicant receives from other Federal agencies, non-Government organizations, private industry, and individuals.

23. BLOCK 15, ESTIMATED FUNDING: 15f PROGRAM INCOME

Use this block to show any anticipated program income, such as registration fees for attendance of a conference that the applicant should receive during the performance of the grant or cooperative agreement.

A. ADD OR DEDUCT PROGRAM INCOME

Either add or deduct program income, depending on which alternative is approved. Stipulate the Deductive Alternative described in 7 CFR 3015.41, unless otherwise approved in writing by the Responsible Official.

B. DEDUCTIVE ALTERNATIVE

If the applicant is approved under this alternative, the program income is used for allowable costs of the project or program. The anticipated program income should be shown in parenthesis in this block and not added to or deducted from the project total.

C. MATCHING ALTERNATIVE

If the applicant has been approved to use program income under the matching alternative, the anticipated program income may be used to satisfy their matching share. In this case, the program income should be shown in parenthesis in this block and deducted from the project total.

D. ADDITIVE ALTERNATIVE

If the applicant has been approved to use program income under the additive alternative, the anticipated program income should be added to the funds already committed to the project by both the recipient and the NRCS.

24. BLOCK 15, ESTIMATED FUNDING: 15g TOTAL

Use this block to show the total project costs, including contributions from all parties.

25. BLOCK 16, STATE REVIEW

Applicants must contact their State Single Point of Contact to determine whether the application is subject to the State(s) Intergovernmental Review Process. It is the applicant's responsibility to contact the States and ensure the application is reviewed properly prior to submission to the NRCS. If this block is not completed, the applicant should be contacted immediately to ascertain whether the process is applicable.

26. BLOCK 17, DELINQUENT FEDERAL DEBTS

Ask the applicant to complete this block.

27. BLOCK 18, SIGNATURE BLOCKS

Ensure that this block is signed by a duly authorized representative of the applicant. Do not require the applicants to submit written signatory authority with the

application. (This should be maintained in the applicant's file and provided upon request.)

FINANCIAL PLANS COST ANALYSIS

A. BUDGET COMPONENTS AND PROPER BUDGET ANALYSIS

A good working knowledge of the budget components and proper budget analysis during the application review process will help resolve many problems before they become an issue. Costs that do not meet the requirements based on Federal cost principles may later be disallowed. Costs must be allowable, allocable and reasonable. Determinations can be found in OMB Circulars A-21, Cost Principles for Educational Institutions; A-87, Cost Principles for State, Local, and Indian Tribal Governments; A-122, Cost Principles for Non-Profit organizations; and Federal Acquisition Regulations (FAR) Part 31, Contract Cost Principles and Procedures which is codified at 48 CFR 31.2, Contracts with Commercial Organizations.

B. COST CRITERIA: ALLOWABLE COSTS

1. Necessary and reasonable to accomplish the project.
2. Allowable under the applicable cost principles.
3. Treated consistently by the applicant.
4. In accordance with generally accepted accounting principles.
5. Not to be used to meet the cost-sharing or matching requirements of any other Federally funded program.
6. Adequately documented.
7. Authorized or not prohibited under State or local laws or regulations.

C. COST CRITERIA: ALLOCABLE COSTS

A cost is allocable if it is treated consistently by the applicant and it is:

1. Incurred specifically for the project.
2. Beneficial to the project as well as other ongoing projects of the applicant and the costs can be distributed in the same ratio as the benefit received by each project.
3. Necessary to the overall operation of the applicant, even if no direct relationship to the project can be tracked.

D. COST CRITERIA: REASONABLE COSTS

A cost is reasonable if the nature or amount does not exceed what a prudent person, given the same circumstance, would expect to incur.

E. COST CRITERIA: ANALYSIS ELEMENTS

The suggested information listed below is the minimum needed from the applicant to assist the NRCS in determining whether costs included meet the criteria of allowability, allocability, and reasonableness. Thorough analysis of the budget prior to award is critical as it is the last opportunity for the NRCS to know how Federal funds will be spent. Once the agreement is signed, the recipient is free, within certain limitations, to move money around from one category to another. The recipient is even allowed to shift funds from direct categories to cover increases in indirect costs as long as the increase does not exceed the approved indirect cost rate agreement (See applicable CFR). Include the following in this analysis:

1. Analyze the cost breakdown submitted in support of SF-424A or C;
2. Evaluate cost elements to determine the reasonableness, allowability, and allocability of costs in the budget as it relates to the cost principles, and;
3. Verify indirect cost rates. To ensure the cost figures correspond, compare SF-424A or C with the detailed cost break-down and SF-424 cover sheet, Block 15, which is included in the application. If the applicant proposes a contribution, the budget cost element should be separated into non-cash and in-kind share. The in-kind share is a contribution made to the total cost of the project where the applicant incurs no expense. The applicant's non-cash share is reimbursable project costs involving cash disbursements for direct charges for goods and services and the amount of indirect expense incurred. If applicant contributions are proposed, and there is no reflection of an in-kind share, it should be noted for discussions during negotiations (verify whether or not in-kind contributions are a total part of the cost). Inconsistencies in the figures indicate potential cost problems and must be resolved prior to award.

F. SF-424A OR C, BUDGET INFORMATION

Look closely at each individual budget cost element in SF-424A or C. Supplement the SF-424A or C with an additional detailed cost breakdown supporting each of the budget cost elements. Proposals below the \$75,000 threshold may not need a detailed cost breakdown. Ensure that both the SF-424A or C and the detailed cost breakdown supporting it are reconciled. For review of each, consider the following:

1. PROPOSED RATES

Ensure that the proposed rates for personnel are reasonable based on local wages paid for the work being performed. Comparison data may be historical contract prices,

local Department of Labor wage rate determinations, and Government rates for similar work. Additional data may be obtained from other NRCS personnel such as procurement, fiscal, or human resources, or the latest audit performed by the cognizant audit agency. Identify whether the labor rate includes fringe benefits or if it has been the applicant's consistent practice to separate out a labor rate burden.

2. DIRECT COST

These are charges that are directly tracked and are billable to the proposed project. If the applicant uses certain charges such as administrative personnel in the cost base for its indirect cost rate proposal, it cannot bill for those services under direct charges.

3. PERSONNEL

Identify whether employees are full-time, temporary, or part-time workers. List personnel needed to accomplish this project, their classification, number of hours to be worked, and the rate of pay per hour for each major task in the project (or percentage of effort), the total for each employee, and overall total.

- a. Identify key investigators, titles, number of hours to be worked, the rate of pay per hour, and total.
- b. Address the basis for determining employee compensation.
- c. Identify any compensation increases projected during the award period.
- d. Identify any benefits included in the wages or salaries, (e.g., vacation and sick leave).

4. ANALYSIS OF PERSONNEL COST: INDIRECT COSTS

Any category of personnel which is included in the applicant's indirect cost pool cannot be charged directly to an agreement even if the employee will be used full-time on the project. Personnel categories that are billed frequently as indirect are administrative, public affairs, clerical, and computer specialists. If, for example, the clerical work to be done under the agreement is significant and places an undue burden on the recipient, the applicant can hire an individual to perform this work, and bill direct even if the type function normally is billed as indirect. This must be approved by the NRCS. The applicant cannot, however, transfer someone from its indirect cost pool and bill that person as direct. This person must be hired specifically for the agreement.

5. ANALYSIS OF PERSONNEL COST: PARTIALLY LOADED SALARIES

Determine whether salaries are considered to be "partially loaded" meaning that sick and annual leave, and holidays are quoted as part of the salary. We need to determine whether these benefits also are included in the applicant's negotiated indirect cost rate. If these costs are included with the indirect, they cannot be billed as direct and the salaries quoted should be adjusted.

6. ANALYSIS OF PERSONNEL COST: INDIVIDUAL SALARIES

Salaries quoted in excess of the normal pay for an individual are disallowed. Average salaries for any particular geographic region normally are published, or a applicant such as a university can provide a copy of the pay scale for comparison purposes.

7. ANALYSIS OF PERSONNEL COST: BENEFITS ASSESSMENT

Part-time, temporaries, and students usually do not receive full benefits. If these types of employees are listed in personnel costs, the rates should be verified to ensure proper benefits assessment.

8. FRINGE BENEFITS

- a. List benefits included, (i.e., health and life insurance, Medicare, unemployment insurance, workers' compensation, retirement, etc.)
- b. Determine a percentage breakdown of all components in the applicant's fringe benefits package.

9. FRINGE BENEFITS ANALYSIS

If there is a negotiated indirect cost rate, determine how benefits are treated. Many times fringe benefits are included in the indirect cost figure. If a benefit is included in the indirect cost rate, it cannot be charged as a direct program cost. Also note that part-time, temporaries, and students normally receive limited or no benefits.

10. TRAVEL / TRANSPORTATION

- a. Provide the number of travelers, type and estimated cost of transportation, to/from destinations, and total. If actual trips are unknown, provide the basis for the proposed travel charges.
- b. Provide the rates, number of days at \$/day, and total.
- c. Identify the purpose of each separate trip.

11. TRAVEL ANALYSIS

Each trip planned must be necessary to the project performance. Any miscellaneous or contingency charges must be eliminated from the budget. Applicants are not required to follow Federal travel regulations. However, compliance with Federal travel regulations may be made a term of the agreement.

12. EQUIPMENT

At a minimum, consists of non-expendable personal property valued at over \$5,000 per unit and has a useful life of two years (e.g., computers, automobiles, and desks). Determine if equipment is needed for the project.

13. EQUIPMENT NEEDS ANALYSIS

If NRCS funds are used to purchase equipment, proper tracking and disposition procedures must be maintained, making the closeout of grants and cooperative agreements more cumbersome. Perhaps equipment leasing should be considered, especially if the grant or cooperative agreement performance period may not be long enough to amortize the total equipment cost. A better alternative may be for the applicant to purchase any equipment needs with their own funds as their contribution, and redistribute requested funds to other cost elements if appropriate and justified.

14. SUPPLIES

Supplies consist of expendable items of low value (less than \$5,000) that are consumed in performing the project (for example: paper and pencils). Is the level and cost of supplies proposed reasonable and justified?

15. CONTRACTS

- a. Identify all anticipated sub-awards by purpose (research, service, supply, etc.) and type (sub-grants and/or subcontracts under grants and cooperative agreements).
- b. Describe how procurement will be accomplished; competitive or sole source. Sole source procurements require justification included in the application package.

16. CONSULTANTS

- a. Name(s) of consultants(s) to be engaged.
- b. Daily fees to be paid to each consultant.
- c. Number of estimated days for continuing services.
- d. Scope of work to be performed (deliverables).
- e. Other incidental data supporting the proposed costs (cost of current similar work).

17. CONSULTANT'S ANALYSIS

Daily fees charged by a consultant under an agreement cannot exceed the normal or published rate.

18. CONSTRUCTION

If costs are included in this element, ensure that this activity is in compliance with the statute under which the agreement is authorized. If Federal funds are used to

reimburse the construction costs, Davis-Bacon wage rates may be applicable, if specifically stated in the statute.

19. OTHER COSTS

Take a close look at any costs placed in the "other" category. Ensure they are detailed and clearly identified. Ensure the costs are explained appropriately, and are necessary and properly allocated to the proposed grant or cooperative agreement.

20. INDIRECT COSTS

These are costs which, by their nature or because of the applicant's method of accounting, cannot be tracked directly to the project but are approved as an overall cost of the applicant's business.

A. INDIRECT COST RATES

NRCS funds may not be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements with nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative agreements is to carry out programs of mutual interest between the two parties.

B. APPROPRIATE PAYMENT OF INDIRECT COSTS

This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are negotiated between the applicant and the cognizant agency. However, NRCS should attempt to further negotiate the indirect cost rate, not just accept the rate provided by the cognizant audit agency.

C. INDIRECT COST RATE AGREEMENT

The applicant must provide a copy of the latest approved indirect cost rate agreement if indirect costs are being charged directly to the project or if the applicant is claiming indirect costs as part of its contribution.

D. NEGOTIATED INDIRECT COST RATE

If an applicant does not propose and negotiate an indirect cost rate with its cognizant agency, the NRCS is not obligated to pay indirect costs. However, NRCS may reimburse the recipient at an interim indirect cost rate until a final rate is negotiated with the cognizant agency.

21. INDIRECT COST ANALYSIS

Read the negotiated indirect cost rate agreement to determine if indirect costs claimed by the applicant are reflected accurately in the budget. The agreement should contain a statement regarding the appropriate base against which the indirect cost rate can be applied, e.g., all direct costs minus equipment. The agreement also will explain the treatment of fringe benefits, etc.

22. PROGRAM INCOME

Program income is the gross revenue generated by a grant or cooperative agreement supported activity between the effective date of the award and the date of the final expenditure report.

23. PROGRAM INCOME ANALYSIS

Program income can be made by recipients from fees charged for conference or workshop attendance, from rental fees earned from renting out real property or equipment acquired with grant or cooperative agreement funds, or from the sale of commodities or items developed under the grant or cooperative agreement. Do not consider interest earned by the recipient on funds advanced by the NRCS as program income. Interest must be paid back to the NRCS unless the recipient is a State and thus exempted by Federal statute under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.). Consider the type of project proposed. If the project appears to be one where fees might be charged, such as supporting conferences or workshops, verify whether or not fees are going to be charged. If program income is generated, reflect this on SF-424 and SF-424A. Document the agreed-upon method of using program income in the agreement document. Stipulate the Deductive Alternative described in Title 7, Code of Federal Regulations. Any other alternative must be approved in writing by the NRCS responsible official.

24. CONSTRUCTION PROJECT

The above referenced cost elements deal primarily with non-construction projects. If the application is for a construction project (using SF-424C), perform the same type of cost analysis. A construction project involves other requirements such as Davis-Bacon wage rates if stipulated under the statute; specific subcontract approvals; subcontract clauses (EEO); Department of Labor notifications, etc. (7 CFR 3016.36).

600.39 FINANCIAL STRENGTHS AND CAPABILITIES

A. STRENGTHS AND CAPABILITIES

Information should be obtained on the following:

1. PAST PERFORMANCE

Applicant's past performance.

2. FACILITIES

Facilities available to perform the project.

3. COST CONTROLS

Cost controls such as linking increases to inflation rates.

4. INDIRECT COSTS

Maximum indirect costs to be applied over the life of the grant or cooperative agreement.

5. ACCOUNTING SYSTEMS POLICIES

Accounting system policies and procedures such as the ability to track project costs.

6. PROCUREMENT PROCEDURES

Property management standards, procurement procedures such as obtaining a copy of the applicant's policy to ensure purchases are obtained on a competitive basis to guarantee reasonable pricing.

7. PERSONNEL PRACTICES

Personnel practices (such as compliance with nondiscrimination provisions), and

8. SUB-GRANTEES

Selection and monitoring of sub-grantees such as to ensure preclusion of conflict of interest and selection on a competitive basis, and that mandatory clauses included in the grant or cooperative agreement award must be included in any sub-grants/subcontracts.

9. SUCCESSFUL PERFORMANCE AND FINANCIAL RESPONSIBILITY

Applicants who do not have a proven record of successful performance or who may have been terminated on prior Federal grants or cooperative agreements should be carefully scrutinized. Financial responsibility may also be determined by a review of the applicant's credit rating or their Dunn and Bradstreet rating.

600.40 PAYMENT

A. PAYMENT

Determine the payment type requested by the applicant; advance versus reimbursement. Consider which type is most appropriate for the project and performance period being proposed.

B. ADVANCE PAYMENTS

Unless restricted by program legislation or the applicable appropriation, the authority to enter into grants and cooperative agreements is sufficient to permit the NRCS to make advance payments.

C. STATUTE / ADMINISTRATIVE RULES

If the statute requires payment on an advance or reimbursement basis, follow the statutes. If the statute is silent, follow the administrative rules in 7 CFR 3015.102 and 3019.22.

D. PAYMENT PREFERENCE

Advance of payments are given preference unless the recipient's financial management system does not meet the standards for fund control and accountability or the recipient has not established or demonstrated a willingness and ability to minimize the time elapsing between the transfer of funds from the Treasury and their disbursement by the recipient in which case payments on a cost-reimbursable basis should be given preference, based on cash-management principles.

E. TIMING AND PAYMENT AMOUNT

When advance payments are approved, make the timing and amount of cash advances as close as is administratively feasible to the actual disbursements by the applicant's organization for direct program costs and proportionate share of any allowable indirect costs based on 30-day expenses.

F. ELECTRONIC FUNDS TRANSFER

Effective January 2, 1999, all payments will be subject to electronic funds transfer (EFT). (See section under procedures for awarding grants and cooperative agreements for EFT guidance).

600.41 LIABILITY

A. LIABILITY COVERAGE

Unless specifically provided by law, do not assume the applicant's liability coverage. Do not take actions such as purchasing liability insurance with purchase orders separate from a Financial Assistance instrument, using volunteer agreements to convey Federal employee status on recipients or applicant's employees, or including insurance costs recovered by applicant program income (e.g., registration fees). The applicant's liability coverage costs are allowable for reimbursement only when they are a part of the applicant's normal compensation package. Check the application cost elements closely for this. It may be difficult to ascertain and easily hidden. 600

600.42 INTEREST

A. INTEREST INCOME

Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.) and the Indian Self-determination Act (23 U.S.C. 450), interest earned by the recipient on funds advanced by the NRCS does not constitute program income. The recipient will remit to the NRCS all interest income earned on advances of USDA grant funds above the following thresholds:

1. State and local grant recipients may keep up to \$100 interest per year for administrative purposes. (See 7 CFR 3016.21(i)).
2. Non-profit organizations and universities may keep up to \$250 interest per year for administrative purposes. (See 3019.22(l)).

3. Tribal governments may keep up to \$100 interest per year for administrative expenses (see 7 CFR 3016.21(1)).

600.43 CERTIFICATIONS

A. PROPER CERTIFICATIONS

For grants and cooperative agreements, check to ensure the proper certifications are included in the application (reference Subpart I – Exhibits, Part 600.195 and 600.95a). Check to ensure SF-424, assurances, and certifications are signed by a duly authorized representative of the applicant.

600.44 PRIOR APPROVALS

A. IDENTIFY AREAS REQUIRING PRIOR APPROVAL

Identify any areas where the NRCS may want to reserve the right of prior approval, such as: (a) the award of sub-grants or subcontracts, (b) changes in the principal investigator or project manager, (c) certain items of costs cited in the cost principles (such as foreign travel), etc. (7 CFR 3015).

600.45 REPORTING REQUIREMENTS

A. FINANCIAL REPORTS

The recipient may be directed to submit SF-269, Financial Status Report, not more than quarterly but not less than annually. In addition, the recipient may be directed to complete SF-269 on a cumulative basis. (See Block 8 of SF-269 for instructions on the funding/grant period.) If funds are advanced, a final SF-269 must be submitted by the recipient at the project's completion.

B. PERFORMANCE REPORTS

Recipients may be directed to submit performance reports not more than quarterly, but not less than annually.

600.46 EQUIPMENT

A. PURCHASED EQUIPMENT

The NRCS may reserve the right, in the agreement, to take title to equipment purchased with partial or total Federal funds after project completion.

600.47 NEGOTIATIONS AND WRITTEN DOCUMENTATION

A. LIST NEGOTIABLE / NON- NEGOTIABLE ITEMS

Make a list of everything that needs to be discussed during negotiations and incorporated into the negotiation memorandum. In addition, make a separate list of items that are not negotiable, but must be incorporated into the agreement.

B. CONDUCT NEGOTIATIONS

Discussions must be conducted by the NRCS Responsible Official or designee that has the necessary formal training and experience required to conduct negotiations.

C. FORMS OF NEGOTIATION

Negotiations may be:

1. Held at the applicant or NRCS location,
2. Accomplished by written documentation between the parties, or
3. Accomplished by telephone conversations between the parties.

D. NEGOTIATION MEMO

Document any significant items resulting from negotiations in a written memorandum and place a copy in the official file.

1. If the application involves a complex grant or cooperative agreement, it may be beneficial to have two memoranda; one addressing the program or technical aspects of the project and the other addressing the fiscal and administrative aspects.
2. The memoranda should be complete, but as brief as possible.

600.48 AWARDING GRANTS AND COOPERATIVE AGREEMENTS

A. AGREEMENT DOCUMENT

Once all requirements have been met and agreement has been reached between the parties, the agreement document can be prepared. Ensure that the agreement document, which incorporates the recipient's application and other administrative requirements, contains the items described below

B. AWARD STATEMENT

A statement awarding the grant or cooperative agreement which cites the Federal Identifier Number (NRCS Agreement Number), total Federal funds obligated, the performance period, and the appropriate statutory authority under which the grant or cooperative agreement is being executed.

C. OMB DEPARTMENTAL REGULATIONS AND CFR

A statement incorporating all applicable Office of Management and Budget (OMB), Departmental Regulations and Code of Federal Regulations. Attach a copy of each to the official file copy. Grants and Cooperative Agreements for specific recipients are subject to the following applicable regulations or administrative requirements:

1. STATES AND LOCAL GOVERNMENTS AND FEDERALLY RECOGNIZED INDIAN TRIBAL GOVERNMENTS

United States Department of Agriculture (USDA) Code of Federal Regulations - 7 CFR 3015, 3016, 3017, 3018 and 3052: These regulations implement the provisions of OMB Circulars A-102, A-87, and A-133.

2. INSTITUTIONS OF HIGHER EDUCATION AND HOSPITALS

7 CFR 3015, 3017, 3018, 3019 and 3052: These regulations implement the provisions of OMB Circulars A-110, A-21, and A-133.

3. OTHER NON-PROFIT ORGANIZATIONS

7 CFR 3015, 3017, 3018, 3019 and 3052: These regulations implement the provisions of OMB Circulars A-110, A-122, and A-133.

4. FOR-PROFIT ORGANIZATIONS AND INDIVIDUALS

These parties are subject to 7 CFR 3015, 3017, 3018, 3052 and 48 CFR 31.2 (Contracts with Commercial Organizations, Federal Acquisition Regulations Part 31, Contract Cost Principles and Procedures).

D. ELECTRONIC FUNDS TRANSFER

A statement notifying the recipient that the Debt Collection Act of 1996, as amended, 31 U.S.C. 3332, requires federal agencies to convert from payments by check to Electronic Fund Transfer (EFT). This requirement is effective January 2, 1999, unless the recipient can certify that they do not have an account with a financial institution or an authorized payment agent. The recipient must apply for a Vendor Identification Number (VIN) from the National Finance Center (NFC). This process is outlined below:

1. The recipient must contact the Miscellaneous Payment Section of the NFC to request an Enrollment Package. The telephone number is 800-421-0323. The package will include a nine-digit Vendor Identification Number (VIN).
2. The recipient must complete the enrollment package, which includes a section for their financial institution to complete, and return the package to the NFC.
3. The recipient must include the VIN on all invoices submitted to NRCS for payment. This should be shown on the second line of the remittance address.
4. The recipient is responsible for following up with the NFC to ensure that their VIN is coded as "Active" prior to requesting their first federal payment.
5. Establishment of the Vendor Identification Number takes from 3-6 weeks.

E. SPECIFIC AGENCY REQUIREMENTS

Statements identifying specific agency requirements such as frequency of progress and financial reports (annual, semi-annual, or quarterly); forms required for financial reports, Form SF-269, Financial Status Report, which may be submitted no more than quarterly, but not less than annually; billing procedures, advance versus reimbursable; agency program and administrative contacts; property requirements; use of program income (Deductive Alternative); required approvals including sub-grants, subcontracts, budget changes, and so forth.

F. MANDATORY AGENCY CLAUSES

A statement which incorporates the recipients' dated application and mandatory agency clauses such as those referenced at 7 CFR 3015.205 for agreements with institutions of higher education, other nonprofit organizations and hospitals.

G. SIGNATURE BLOCKS

Bilateral signature blocks.

H. FINANCIAL CODE

A financial code.

600.49 RECIPIENT AWARD

A. EXECUTED GRANT OR COOPERATIVE AGREEMENT

Include the approved application as part of the executed grant or cooperative agreement. Ensure that the application includes all items required in the program announcement and any changes made to the application during negotiations

600.50 FINAL EXECUTION AND OFFICIAL AWARD DISTRIBUTION

A. OFFICIAL AWARD DOCUMENT

When the official award document is assembled, the following steps should be taken:

1. APPROVALS

Obtain necessary approvals as applicable (see delegations of authority)

2. APPLICANT SIGNATURES

Obtain applicant signature(s) on the award document. Review the signed award package from the applicant to identify whether or not agreement has been reached between the parties. If changes have been made by the applicant, a proper analysis should be performed to ensure the proposed changes are legal and acceptable. If not, the action may require additional negotiation.

3. SIGNATORY OFFICIAL SIGNATURES

Once the award document is completed and necessary approvals have been obtained, the NRCS signatory official may sign the agreement.

4. DISTRIBUTE COPIES

Distribute copies of the signed official award document to the recipient(s), fiscal (payments), responsible official, and technical/program personnel. Ensure that the original grant or cooperative agreement document resides wherever the official file is maintained. Recipient(s) may legally incur costs to be reimbursed by the NRCS as of the date of the last signature obtained on the grant or cooperative agreement.

600.51 DEBRIEFING AND APPEALS

A. WRITTEN REQUEST

For competitive awards, recipients whose applications were not selected may make a written request to the responsible official for a debriefing. The responsible official must respond within 30 working days from the day of receipt. If the recipient is not satisfied with the response, an appeal may be made in writing to the Director of MSD.

SUBPART D - ADMINISTERING GRANTS & COOPERATIVE AGREEMENTS

600.60 Official File

600.61 Post Award Meeting

600.62 Approvals

600.63 Form SF-270

600.64 Payment Approval

600.65 Overpayments

600.66 SF-269 Financial Status Report

SUBPART D – ADMINISTERING GRANTS AND COOPERATIVE AGREEMENTS

600.60 OFFICIAL FILE

A. OFFICIAL FILE SETUP

Set up an official file which includes the following:

1. All pre-award information, including such items as the solicitation, program announcement, initial recipient application (SF-424A and SF-424C), negotiation memorandum, approved indirect cost rate document, and related correspondence.
2. The basic grant or cooperative agreement document with original signatures.
3. Payment document(s) Form SF-270.
4. Post-award correspondence.
5. Revisions.
6. Performance and financial reports
7. Close-out documentation

600.61 POST AWARD MEETINGS

B. POST AWARD MEETING PURPOSE

Post-award meetings are encouraged and should be held within 30 days of award of a new grant or cooperative agreement. The purpose of the meeting is to discuss pertinent administrative requirements such as significant clauses, provisions, and operating procedures specifically identified in the documents. This is an opportunity to define each parties' role and to answer any last minute questions prior to commencement of work. A post award meeting is optional. The need to conduct a post-award meeting is dependent on complexity, dollar value, and use of good business judgment.

600.62 APPROVALS

A. PRIOR APPROVALS

Check the grant or cooperative agreement to determine if prior approval is required for subcontracts, sub-grantees, travel or other cost elements, or key personnel. If so, ensure the requests are received from the recipient on a timely basis and they are answered promptly. If prior approvals are required, a post-award meeting serves as a good forum

for bringing their importance to the attention of the recipient, and for discussing the procedures to make the process efficient.

600.63 Form SF-270

A. REQUEST FOR ADVANCE OR REIMBURSEMENT

To request payment(s), it is required that recipients complete and submit an original SF-270 with original signatures to the Responsible Official contact identified in the grant or cooperative agreement. The Responsible Official shall ensure that all blocks of the SF-270 are completed as shown in Subpart I – Exhibits, Part 600.204 and 600.205.

B. BLOCK 11, COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ ADVANCES REQUESTED

Display crucial information for monitoring both program performance and payment.

C. BLOCK 11a, TOTAL PROGRAM OUTLAYS TO DATE

NRCS personnel do not have access to this information. It can only be developed by the recipient, as accumulated from their own accounting records. Total program outlays consist of recipient's actual expenditures to date of their request (not just the NRCS' share of actual expenditures. If the costs identified in this block reflect (or match up to) the amount the NRCS obligated under the grant or cooperative agreement, it probably does not reflect the true total program outlays and should be questioned.

D. BLOCK 11b, CUMULATIVE PROGRAM INCOME

Review the information in this block closely. If the grant or cooperative agreement identifies recipient program income requiring the Deductive Alternative, figures should be inserted in this block, or it should be questioned.

E. BLOCK 11f, NON-FEDERAL SHARE OF AMOUNT ON LINE e

Block 11f reflects the recipient's share of total program outlays to date shown in Block 11a.

F. BLOCK 11g, NON-FEDERAL SHARE OF AMOUNT ON LINE e

Block 11g, reflects the NRCS share of total program outlays to date shown in Block 11a.

G. REVIEW FORM SF-424

When reviewing the blocks noted above, go back to Form SF-424, Block 15, of the grant or cooperative agreement. Identify each parties stated contributions by calculating percentages as follows:

- Calculate the recipient's contribution percentage by dividing the recipient's contributions (Blocks 15b-e) by the total projected costs (Block 15g).
- Calculate the NRCS' contribution percentage by dividing the NRCS' contribution (Block 15a) by the total projected costs shown in Block 15g.
- 3. Ensure that both percentages equal 100%.

H. REVISIT FORM SF-270

After calculating these percentages, go back to Form SF-270. Multiply the net program outlay shown in Block 11c by the recipient percentage and then the NRCS percentage. Match these figures with the figures shown in Blocks 11f and 11g.

1. If the NRCS' share shown in Block 11g is higher than the figure allowed based on the calculations, the NRCS has been over billed, and Form SF-270 should not be paid.
2. The recipient should be asked to revise their Form SF-270 accordingly and resubmit. The incorrect Form SF-270 may either be returned to the recipient or retained in the file with an explanatory note.

I. CALCULATED PERCENTAGES

The calculated percentages should be maintained on each Form SF-270 submitted, unless other specific payment terms have been separately identified in the grant or cooperative agreement or revisions thereto.

J. CONTRIBUTIONS RATIO CHANGES

If the contribution's ratio changes as a result of a revision to the basic grant or cooperative agreement, calculate new percentages. Add the new share for each party to the share shown in the basic grant or cooperative agreement prior to calculating the new percentages. Calculate the percentages and apply in the same way as discussed above.

K. BLOCK 11j, ADVANCES

Advances can be made for immediate disbursement up to a maximum 30-days (Treasury Circular 1075). Ensure that advance payments are consistent with the provisions for payment in the grant or cooperative agreement. In most instances, interest earned on grant or cooperative agreement advance funds must be returned to the NRCS (refer to Subpart I – Exhibits, Part 600.204 and 600.205). Keep the timing and amount of cash advances as close as is administratively feasible to the actual disbursements by the recipient's organization for direct program costs and proportionate share of any allowable indirect costs.

If the request for advance payment seems excessive relative to the total project cost for the period covered by the payment request, Form SF-270 should be questioned. An obvious example is when the payment request is equal to the total project cost shown in Form SF-424, Block 15g. This may indicate that the recipient is billing for the full amount of NRCS funding when the funding may not be disbursed in a timely manner. In these cases, contact the recipient and ensure that the funding request is justified. If the payment amount is not justified, do not pay the amount listed on Form SF-270. The recipient should submit a corrected Form SF-270.

L. BLOCK 12, ALTERNATE COMPUTATION FOR ADVANCES ONLY

NRCS requires the completion of Block 11 for advances, also. **DO NOT COMPLETE BLOCK 12.**

M. OTHER CONSIDERATIONS

After reviewing the information entered on Form SF-270, check the total NRCS funding obligation under the grant or cooperative agreement to ensure the payment requested does not exceed the NRCS share.

600.64 PAYMENT APPROVAL

A. RESPONSIBLE OFFICIAL APPROVAL

If all of the information entered on Form SF-270 is correct, the Responsible Official shall certify (see B and C below), sign, and date the Form SF-270 in the space provided for Agency use. Submit the original Form SF-270 to the Finance Office for payment, and send copy(s) to all other program or administrative contacts.

B. REIMBURSEABLE AGREEMENTS

The SF-270 must be certified by the Responsible Official with the following statement signed and dated in the “This space for agency use” area at the bottom of the SF-270.

“I certify that, to the best of my knowledge, this bill has not been previously submitted and that program accomplishments will meet planned activities under this agreement. I have examined and certify that this request is correct for payment.”

C. FUNDS ADVANCE AGREEMENT

The SF-270 must be certified by the Responsible Official with the following statement signed and dated in the “This space for agency use” area at the bottom of the SF-270.

“I certify that to the best of my knowledge, this advance is necessary to meet planned activities under this agreement. I have examined and certify that this request is correct for payment.”

600.65 OVERPAYMENTS

A. OVERPAYMENT CORRECTIONS

Corrections shall be made as noted in B and C below.

B. DUPLICATE PAYMENTS

In the case of duplicate payment of an SF-270, the recipient may adjust for the overpayment on future requests for payment.

C. PAYMENT EXCEEDS OBLIGATED AMOUNT

In the case of payments that exceed the obligated amount for the grant or cooperative agreement, a demand letter should be issued to the recipient immediately, demanding payment of the overpayment plus interest (interest may not be assessed to state or local governments) if not refunded by a specific date.

600.66 SF-269 FINANCIAL STATUS REPORT

A. FILING

Recipients are typically required to file an SF-269, "Financial Status Report." The Financial Status Report is the financial reporting document used to obtain information about recipient outlays and unobligated balances.

B. SF-269 WAIVER

The NRCS can waive the SF-269 on a reimbursable agreement when the SF-270 provides adequate information to meet its requirements. However, for advances, an SF-269 will be required no more frequently than quarterly, but at least annually and at the end of the project (7 CFR 3015). Instructions for completing the SF-269, Financial Status Report can be found in Subpart I—Exhibits, 600.201. Utilize the Exhibit and the following information as a guideline for reviewing the SF-269.

C. BLOCK 10a, TOTAL OUTLAYS

NRCS personnel do not have access to this information. It can only be developed by the recipients, as accumulated from their own accounting records. Total outlays consist of the recipients actual expenditures to date of their report (not just NRCS' share of actual expenditures). If the costs identified in this block reflect or match up to the total amount the NRCS obligated under the grant or cooperative agreement, it likely does not reflect the true total outlays and should be questioned.

D. BLOCK 10c, PROGRAM INCOME USED IN ACCORDANCE WITH THE DEDUCTION ALTERNATIVE

Enter all program income used by the recipient during the reporting period. It may not reflect the total amount of program income earned. Deduct these amounts from the total outlays shown in Block 10a. Under the deductive alternative the NRCS and recipient shares are reduced on the same percentage basis that was originally established on the Form SF-424. In this case, both parties benefit from the program income, rather than just the recipient. Leave this block blank if any other program income alternative is approved.

E. BLOCK 10e, THIRD PARTY (IN-KIND) CONTRIBUTIONS

This should include the recipient's "in-kind" contributions where the recipient incurs no expense, but nevertheless have value and may be used to satisfy a matching requirement, such as volunteer labor (either the recipient's own employees or third party employees/individuals), donated supplies, or donated equipment. The recipient's cash

share, which are actual incurred expenses, should not be included. If the basic grant or cooperative agreement cost projections reflect "in-kind" contributions, and this block is blank, the recipient should be questioned.

F. BLOCK 10g, PROGRAM INCOME USED IN ACCORDANCE WITH THE MATCHING OR COST SHARING ALTERNATIVE

If this block indicates program income, the basic grant or cooperative agreement should be reviewed to verify which program income alternative was selected. The deductive alternative is required unless the responsible official selected one of the other alternatives. Under the deductive alternative, leave this block blank. If the matching or cost sharing alternative has been selected, ensure that no cost figure is provided in block 10c.

G. BLOCK 10i, RECIPIENT'S SHARE OF UNLIQUIDATED OBLIGATIONS

This figure should correlate to the cost elements in the basic grant or cooperative agreement that were approved and defined as the recipient's cash share.

H. BLOCK 10m, FEDERAL SHARE OF UNLIQUIDATED OBLIGATIONS

This figure should correlate to the cost elements in the basic grant or cooperative agreement that were approved and defined as the NRCS share.

I. BLOCK 10q, DISBURSED PROGRAM INCOME (SHOWN ON LINES 10c AND/OR 10g ABOVE)

This figure may not reflect the total amount of program income earned, because it may have been earned but not yet received by the recipient.

J. BLOCK 10r, DISBURSED PROGRAM INCOME USING THE ADDITION ALTERNATIVE

The additive alternative allows the program income earned to be used to expand the scope of the original project approved under the grant or cooperative agreement.

K. BLOCK 11a, TYPE OF RATE: PROVISIONAL RATE

A provisional rate is an indirect cost rate negotiated and approved in advance for indirect costs not yet incurred, but anticipated by the recipient. These are usually based on historical audited indirect costs. A provisional rate requires adjustment at the end of each recipient's fiscal year based on the actual audited indirect cost rate. The adjustment may result in a revision in payments with either additional costs being billed (if the provisional

rate is lower than the actual rate), or in a refund to the NRCS (if the provisional rate is higher than the actual rate).

L. BLOCK 11a, TYPE OF RATE: PREDETERMINED RATE

A predetermined rate is a firm indirect cost rate that cannot be adjusted in the future, either up or down, and is generally used by universities and state or local governments. Line up approved rates as closely as possible to historical, actual indirect costs. Determine predetermined rates much the same way as fixed rates.

M. BLOCK 11a, TYPE OF RATE: FINAL RATE

A final rate is the recipient's audited indirect cost rate. Adjust the provisional rates applied to a grant or cooperative agreement projected for future indirect costs at the end of each recipient's fiscal year. Based on the audited final indirect cost rate, billing adjustments, either up or down, may result.

N. BLOCK 11a, TYPE OF RATE: FIXED RATE

A fixed rate is a negotiated, firm, indirect cost rate that the recipient may apply to a grant or cooperative agreement. If the rate is "fixed," do not adjust the rate up or down on future billings, regardless of the audited indirect cost rates.

O. BLOCK 11b, RATE

The rate should be verified and questioned if it does not match the rate approved in the grant or cooperative agreement.

P. BLOCK 11c, BASE

Enter the portion of net outlays shown in Line 10d, Column II, against which the rate shown in Block 11b was applied.

Q. BLOCK 11d, TOTAL AMOUNT

Enter the total amount of indirect costs applied to the project during the reporting period. Calculate this amount by multiplying the rate shown in Block 11b times the base shown in Block 11c.

R. BLOCK 11e, FEDERAL SHARE

Enter the Federal share of the indirect costs (overhead) shown in Block 11d, applied to the project. The Federal share of indirect costs shown in this block may vary considerably, depending on the terms in the grant or cooperative agreement.

S. ADDITIONAL FORM SF-269 ANALYSIS: SUBMISSION

If the submission is the first or only SF-269, the recipient should only complete column III, titled Cumulative. If the submission is the second or subsequent SF-269, all three columns should be completed by the recipient. The amounts entered in column I should be the same as those in column III of the previous report. The amounts entered in column II are those for the current reporting period. The amounts entered in column III are calculated by adding columns I and II together. Over the life of the grant or cooperative agreement, column III should reflect the type of cumulative totals as the recipient is directed in the grant or cooperative agreement (funding versus grant period).

T. ADDITIONAL FORM SF-269 ANALYSIS: REVIEW SF-269

Except where an NRCS audit is warranted, limit the amount of recipient cost or financial data/information under grants and cooperative agreements. Reviewing the SF-269 (in comparison to SF-270) is one of the few opportunities available to properly assess recipient progress or financial difficulties. The SF-269 is required to provide the NRCS with information to help determine if the recipient's project and spending patterns are consistent with milestones and quarterly spending projections shown in SF-424A and narrative of the grant or cooperative agreement. If the recipient has been paid in advance, the recipient shall indicate on SF-269 if it is holding excess cash. In cases where the recipient earns program income, it should reveal a rate of disbursement. Certain adjustments in performance and/or payments may have to be made if discrepancies are found.

U. ADDITIONAL FORM SF-269 ANALYSIS: BLOCK 8

Check the grant or cooperative agreement to see if the recipient has been instructed to complete Block 8. The type of reporting required (funding/grant period) identifies the amount of time for which the figures in column III are accumulated. Regarding open ended grants or cooperative agreements are funded incrementally that cover more than one year and (one fiscal year at a time). This is particularly important. For example: if a recipient is directed to complete a SF-269 by funding period, the figures in column III would accumulate for the first year funded, and begin anew in the next funding period (the second year). If a recipient is directed to complete Form SF-269 by grant period, the figures in column III would accumulate for the complete approved performance period, that may be more than one year.

V. ADDITIONAL FORM SF-269 ANALYSIS: COMPARE FORMS SF-269 AND SF-270

Compare the SF-270 with the SF-269 occasionally. Ensure that the reporting period entered on the SF-269 and the period covered by the payment request correlate (for example, if a SF-269 is submitted quarterly and an SF-270 is submitted monthly, compare the first quarter SF-269 with the third monthly SF-270). Note that the cost figures are similar between the two forms in various blocks. For example, the SF-269, Block 10a should match the SF-270, Block 11a; the SF-269, Block 10j should correlate to the SF-270, Block 11f; the SF-269, Block 10t should match the SF-270, Block 11d. If significant disparities exist, the recipient should be questioned to ensure the figures are accurate and justified.

W. ADDITIONAL FORM SF-269 ANALYSIS: REVIEW SF-424, BLOCK 15g

Look closely at the total outlays shown in Block 10a and the total project cost approved on the SF-424, Block 15g, if the SF-269 is required quarterly, to ascertain whether the level of spending is consistent with the project schedules approved in the grant or cooperative agreement. If the recipient's total outlays are low, and a large part of the performance period is past, it indicates the recipient is far behind schedule.

SUBPART E - REVISIONS

600.80 Revisions Evaluation, Negotiation, Preparation And Execution

600.81 Revision Requests Evaluations

600.82 Revisions Negotiation

600.83 Revisions Preparation

600.84 Revisions Execution

600.80 EVALUATING, NEGOTIATING, PREPARING AND EXECUTING REVISIONS

A. REVISION REQUIREMENTS

Grants and cooperative agreements may be revised at any time with the mutual consent of the parties provided it is within the scope of the basic grant or cooperative agreement. The revision must be approved in writing, before the change(s) are implemented. Identify any additional work as a separate job not covered by previous commitment. Ensure it falls within the scope of the agreement. The basic grant or cooperative agreement may not be revised to the detriment of NRCS (e.g., a decrease in the amount of work without a corresponding decrease in cost contributions, or an increase in the amount of work without a corresponding increase in cost contributions. Revisions that increase NRCS contributions utilize funds from current year appropriations).

B. CONTRIBUTION RATIOS

In all cost increases and/or decreases the negotiator should retain a contribution ratio based on the prorated shares defined in the basic grant or cooperative agreement. For example, if an initial cooperative agreement reflects an NRCS contribution of 50 percent and a recipient contribution of 50 percent of the total cost of the project, ensure that a revision involving a cost increase retains the 50/50 contribution ratio. In cases where the original ratio is not maintained, place documentation supporting why the ratio is not maintained in the official file. The NRCS contribution may not be increased without a written justification.

C. BUDGET REVISIONS APPROVAL

Certain budget revisions proposed by the recipient require advance approval by the NRCS. Ensure that the recipient forwards a revision application reflecting the desired changes for NRCS consideration. An alternative to a revision to the agreement is to negotiate an advance agreement at the time of the initial award that identifies the approved budget changes by specific line item on Form SF-424A.

D. RESPONSIBLE OFFICIAL

The responsible official is responsible for technical and administrative negotiations, should use other technical and administrative personnel to assist them.

E. REVISION FORM(S) SUBMISSION

Revisions to an existing grant or cooperative agreement require a recipient to submit only those forms which need to be revised as a result of the proposed changes. (e.g., if a

proposed change involves a cost increase or decrease, the recipient submits a revised SF-424, SF-424A, an additional detailed cost breakdown in support of the revised SF-424A, and narrative for only those costs associated with the change. If the proposed change is a request only for a time extension, only SF-424 needs to be submitted, along with a cover letter explaining the request.

600.81 EVALUATING REVISION REQUESTS

A. PROPOSED REVISIONS

In evaluating the revision request, each document needs close review and analysis. Ensure that the proposed change(s) complies with the scope of the initial grant or cooperative agreement, cost increases or decreases are reasonable and justified, and the recipient has completed the required forms. When evaluating proposed revisions, consider the following:

B. REVIEW THE SF-424, APPLICATION FOR FEDERAL ASSISTANCE

Review the SF-424 that was submitted requesting the revision. Along with the following, consider Subpart I – Exhibits, Part 600.204 and 600.206 when completing the SF-424 for revisions.

C. BLOCK 13, PROPOSED PROJECT (START DATE / END DATE)

A revision that increases the duration of an entire project results in a change to the ending date indicated in the initial grant or cooperative agreement, and must be executed prior to that date. The request should reflect the amount of time necessary to complete the proposed project.

Requests for revision of an open-ended grant or cooperative agreement, normally reflects the total performance period for a subsequent year (after the initial performance period) in Block 13. For example, if a project were initially proposed as a five year project, and the NRCS approved the first two years of work on the initial award, the first revision would cover the third year of work.

D. BLOCK 15, ESTIMATED FUNDING

If the revision results in a funding increase or decrease to a basic award document, this block should indicate only the revised amount associated with the change (not the cumulative amount). If the revision is approved by the NRCS, specify the amount of increase or decrease to the NRCS obligation and a summary of the total cumulative funding obligated under the grant or cooperative agreement to date. Further, the recipient

shall submit Form SF-424A or C that clearly indicates the budget categories in which increases or decreases occur.

If the recipient proposed a contribution on the basic grant or cooperative agreement, the revision should maintain the same contribution ratio. If the ratio is not maintained, documentation supporting this should be placed in the official file.

This block should show the cumulative increased or total (initial award minus proposed revision) decreased costs proposed for the revision period of performance, as follows:

E. BLOCK 15a, FEDERAL

Shows the total revised NRCS funding for the approved performance period of the revision identified in Block 13. State the NRCS obligation or de-obligation amount for the revision when the revision is issued. If the recipient is proposing additional Federal funding, it should be separated from the NRCS funds and shown either in Block 15a or Block 15e, identifying it as such.

F. BLOCK 15b, APPLICANT

Shows the total revised increase or decrease in the recipient's contribution or matching requirement, if any, for the approved performance period of the revision. The total recipient contribution may consist of non-cash or in-kind contributions. To ensure that the true reflection of total project costs are captured, the recipient contribution should be separated by whichever categories are applicable. This can be accomplished by either entering two lines in Block 15b or using Block 15e (Other), with wording designating the type of contribution, or in the remarks block of the SF-424A. If the remarks block is used, show an asterisk in Block 15b of the SF-424 so they correlate properly, and all parties clearly understand what comprises the total project costs.

G. BLOCK 15c, STATE

Shows any total revised increase or decrease in contributions from a state agency.

H. BLOCK 15d, LOCAL

Shows any total revised increase or decrease in contributions from a local government.

I. BLOCK 15e, OTHER

Shows any total revised increase or decrease in contributions from other Federal agencies aside from the NRCS, non-Government organizations, private industry, and individuals.

J. BLOCK 15f, PROGRAM INCOME

Shows any increase or decrease in anticipated program income, such as registration fees for attendance of a conference, that the applicant should receive during the performance period of the grant or cooperative agreement.

K. COST ANALYSIS

Perform a thorough cost analysis of each individual cost element. Review the initial grant or cooperative agreement and compare it to the proposed revision. Perform the cost analysis in the same manner as the grant or cooperative agreement was reviewed.

L. REVIEW PROPOSED REVISIONS

Review Proposed Revisions. The responsible official may request assistance from the Review Board to review any significant revision. Review of the proposed revision shall include:

1. Analyzing the cost breakdown submitted in support of SF-424A or C;
2. Evaluating specific cost elements to determine the allowability, reasonableness, and allocability of costs in the budget; and
3. Verifying indirect cost rates. Compare the SF-424A or C with the SF-424, Block 15, included in the application to ensure that the cost figures correspond. If the recipient proposed a contribution, the recipient contribution figure for each budget cost element should be separated into the applicant cash share and "in-kind" share. The "in-kind" share is a contribution made to the total cost of the project where the recipient incurs no expense. The recipient cash share is project costs involving cash disbursements for direct charges for goods and services and the amount of indirect expense incurred. If recipient contributions are proposed, and there is no reflection of an "in-kind" share, it should be noted for discussions during negotiations (verify whether or not "in-kind" contributions are a total part of the cost). Inconsistencies in the figures indicate potential cost problems and must be resolved prior to award of revision.

K. FORM SF-424A OR C, BUDGET INFORMATION

Look closely at each individual budget cost element in Form SF-424A or C. Supplement the SF-424A or C with an additional detailed cost breakdown to support each budget cost

element. Ensure reconciliation of the SF-424A or C and the detailed cost breakdown. The recipient shall submit the SF-424A or C that clearly indicates the budget categories in which increases or decreases occur. Three columns of figures should be shown on the form: (a) current (or initial) budget; (b) change requested; and (c) revised cumulative totals. For review of each cost element, refer to the application section regarding cost analysis of financial plan.

L. PERFORMANCE PERIOD

The "start date" of the proposed revision should reflect the date the recipient intends to implement the work change(s).

If a change is proposed in the work and no additional time should be required, the "start date" should reflect the day the recipient intends to implement the work changes. The proposed "expiration date" of the revision should not exceed the expiration date approved under the initial grant or cooperative agreement unless the revision request is an extension of time.

M. OTHER CONSIDERATIONS

During the performance of a grant or cooperative agreement, there may be a need for additional or more frequent reporting requirements than those originally prescribed in the original grant or cooperative agreement (e.g., the frequency of financial or performance reporting). In this case, a revision may be initiated to add these requirements or include them in a recipient's proposed revision.

600.82 REVISIONS NEGOTIATIONS

A. NOT ALL REVISIONS REQUIRE NEGOTIATION

Not all revisions require negotiation. While evaluating the revision, make a list of items to be discussed if negotiations are necessary. In addition, make a separate list of items that are not negotiable, but which must be incorporated into the revision.

B. HOW TO NEGOTIATE

Negotiations may be:

1. Held onsite at the recipient's institution or organization or at a NRCS location,
2. Accomplished by written documentation between the parties, or
3. Accomplished by telephone conversations between the parties.

C. WRITTEN DOCUMENTATION

Any items of significance resulting from negotiations should be documented in a written negotiation memorandum and placed in the official file. If the revision involves a complex grant or cooperative agreement, it may be beneficial to have two memoranda; one addressing the program or technical aspects of the project and the other addressing the fiscal and administrative aspects. The reports should be complete, but as brief as possible.

600.83 REVISIONS PREPARATION

A. ITEMS TO BE INCLUDED IN THE REVISIONS

Once the NRCS is satisfied that all requirements have been met and agreement has been reached between the parties, the revision can be prepared. Ensure that the revision that incorporates the recipient's revised application and other administrative requirements, contains the items described below:

B. NRCS AGREEMENT NUMBER

A statement which cites the Federal Identifier Number (NRCS Agreement Number), total Federal funds obligated, the performance period, and the appropriate statutory authority under which the grant or cooperative agreement is being executed.

C. OFFICE OF MANAGEMENT AND BUDGET (OMB)

A statement incorporating any additional Office of Management and Budget (OMB), Departmental Regulations and Code of Federal Regulations. Attach a copy of each to the official file copy.

D. REVISION APPLICATION

A statement that incorporates the recipient's revision application.

E. RECIPIENT'S APPLICATION

The executed revision includes the SF-424, Application for Financial Assistance; the SF-424A, Budget Information; and a narrative description of the proposed change of work.

600.84 REVISIONS EXECUTION

A. COMPLETED REVISION

When the complete revision is assembled, the following steps should be taken:

B. OBTAIN RESPONSIBLE OFFICIAL'S REVIEW

If the revision is considered legally sufficient, the Responsible Official shall assign a revision number.

C. OBTAIN RECIPIENT'S SIGNATURE(S) ON THE REVISIONS

Review the signed revision to identify whether or not agreement has been reached between the parties. If changes have been made, a proper analysis should be performed to ensure the proposed changes are legal and acceptable to the NRCS. If not, the action may require additional negotiation.

D. OBTAIN SIGNATORY OFFICIAL'S SIGNATURE

Obtain the NRCS signatory official's signature only after the revision award package is completed.

E. DISTRIBUTE THE REVISION AWARD PACKAGE

Distribute the revision award package after all necessary signatures are obtained. Distribute copies to the recipient(s) and appropriate NRCS personnel. Keep the original revision with the official file.

SUBPART F - AUDITS

600.121 Audits

600.122 Program Reviews

600.123 Performance Reports and Site Visits

600.121 AUDITS

A. INDEPENDENT AUDITS

Require that the recipient obtain audits by an independent auditor in accordance with OMB Circular A-133 and 7 CFR 3052. The NRCS may request its representatives (Office of Inspector General, OIG) conduct independent audits at any time if the NRCS has reason to believe their interests are not being maintained.

After audits are completed, they are sent to the Federal Clearing House designated by OMB Circular 7 CFR 3052.320(h).

NRCS can request copies of the recipient's audit per OMB Circular 7 CFR 3052.320(f).

600.122 PROGRAM REVIEWS

A. NRCS PROGRAM REVIEWS

The NRCS or its representatives may conduct program reviews at any time.

600.123 PERFORMANCE REPORTS AND SITE VISITS

A. PERFORMANCE REPORTS

Check the grant or cooperative agreement to determine the frequency of performance reports required. Ensure that performance reports are submitted at least annually, but no more than quarterly. Each performance report should include at a minimum a statement of progress, including the results to date and a comparison of actual accomplishments with proposed goals for the period, any current problems or unusual developments or delays, and work to be performed during the succeeding period. Some of these issues may require action on the part of NRCS personnel which may include obtaining additional information, withholding payments, or suspending the grant or cooperative agreement.

B. SITE VISITS

In instances where a grant or cooperative agreement involves a complex project and/or one of high dollar value, official site visits may be beneficial. Site visits are a good way to determine appropriate use of NRCS funded equipment, proper allocation of facilities to the grant or cooperative agreement, or project performance in relation to performance reports.

SUBPART G - VIOLATIONS

600.140 Suspensions

600.141 Terminations

600.140 SUSPENSIONS

A. REQUIREMENTS

As described in 7 CFR 3015, 3016 and 3019, a grant or cooperative agreement may be suspended either in whole or in part, when a recipient has materially failed to comply with its terms and conditions. Areas that may justify suspension are performance related and may include change in methodology without proper approval, failure to submit required financial status and performance reports, performance outside the scope of the instrument, and the appearance of improper cost expenditures. Issue reasonable written notice which reflects the cause of the action, corrective action required by the recipient, and the effective date. Do not allow new obligations to be incurred by the recipient during the suspension period. However, those obligations incurred by the recipient prior to the suspension may be allowed with NRCS approval if otherwise unavoidable, such as fixed cost for space or other unliquidated obligations.

B. RECIPIENT ACTIONS

If the recipient takes corrective action, the suspension may be lifted. In this case, the recipient should be notified in writing of the date the performance may resume. If the recipient does not take corrective action, the NRCS should proceed to terminate the grant or cooperative agreement. Depending on the circumstances of the violation, the NRCS may terminate the grant or cooperative agreement without suspension.

600.141 TERMINATIONS

A. REQUIREMENTS

As described in 7 CFR 3015, 3016 and 3019, a grant or cooperative agreement may be terminated in whole or in part, at any time prior to the expiration of the grant or cooperative agreement if the recipient fails to materially comply with its terms and conditions. Areas that may justify termination are; performance related, and may include change in methodology without proper approval, failure to submit required financial status and performance reports, performance outside the scope of the instrument, and the evidence of improper cost expenditures. Give the recipient written notification defining the deficiencies, requesting a "cure" of these deficiencies, and the submission of a corrective plan of action within a reasonable amount of time, (e.g., 30-60 days). If no plan of corrective action is submitted by the recipient within the timeframe established in the notification, termination action may be initiated. Give written notification stating the reason for termination and the effective date to the recipient. Termination may also be exercised when the NRCS and the recipient agree upon the termination conditions. Upon termination of a grant or cooperative agreement, the recipient shall not incur any new obligations after the effective date, and shall cancel as many outstanding obligations as

possible. The NRCS may allow full credit to the recipient for their share of the non-cancelable obligations properly incurred prior to termination.

B. EXCESS FUNDS

Terminations may result in excess funds remaining in the grant or cooperative agreement. If payments were made on a cost reimbursement basis, de-obligate the excess funds. If payments were made on an advance basis, the recipient shall refund any excess funding to the NRCS. In either case, document the de-obligation of funds by written revision to the grant or cooperative agreement.

SUBPART H - CLOSE-OUT

600.170 Close-out of Grants or Cooperative Agreements

600.171 Reporting Requirements

600.172 Funds De-obligation

600.173 Equipment Disposition (7 CFR 3016, 3019)

600.174 Records

600.170 CLOSE-OUT OF GRANTS OR COOPERATIVE AGREEMENTS

A. NRCS PROCESS

Close-out of a grant or cooperative agreement is the process by which the NRCS determines that all applicable administrative actions and all required work have been completed by the NRCS and the recipient. See the following sections for several important elements needed to close a grant or cooperative agreement.

600.171 REPORTING REQUIREMENTS

A. GRANT OR COOPERATIVE AGREEMENT TERMS

Ensure all required performance reports, financial status reports (SF-269), and other reports are received in accordance with the terms of the grant or cooperative agreement. Ensure that the file contains copy(s) of the quarterly, semi-annual, annual, and/or final report(s).

600.172 FUNDS DE-OBLIGATION

A. EXCESS FUNDS

Upon receipt of the final status report (Form SF-269), determine if excess funds remain in the grant or cooperative agreement. If this occurs, and payment was made on a reimbursement basis, de-obligate the excess funds. If payments were made on an advance basis, the recipient shall refund any excess funding to the NRCS. In either case, for proper close-out, document the de-obligation of funds by written revision to the grant or cooperative agreement. In situations where the recipient forwards an SF-270 that bills the NRCS for costs exceeding the total funds obligated for the grant or cooperative agreement, payment may only be made for the amount of the total funds obligated. The recipient should be contacted immediately and requested to submit a revised final SF-270.

600.173 EQUIPMENT DISPOSITION (7 CFR 3016, 3019)

A. TITLE NONRESERVATION

If the grant or cooperative agreement approved the equipment purchase, and the award letter did not provide for the transfer of equipment title to the NRCS, request an inventory of equipment acquired in whole or in part with Federal funds. In the inventory listing, include each item's current market value, the type of funding used to purchase each item

(NRCS versus recipient), and the intended future use from the recipient. These recipients may request to keep the equipment or dispose of it. After review of the recipients equipment list and response, issue written disposition instructions. The NRCS may grant approval to the recipient to retain and use the equipment in the project or program for which it was acquired, or approve the recipient to dispose of the equipment and return to the NRCS its' share of the current market value realized upon the sale of the equipment.

B. TITLE RESERVATION

If the grant or cooperative agreement approved the equipment purchase, and reserved the right to transfer title back to the NRCS, request an inventory of equipment acquired in part or in whole with Federal funds. In the inventory listing include each item's current market value, and the type of funding used to purchase each item (NRCS versus recipient). After review of the recipients equipment list, issue written disposition instructions. The NRCS may direct recipients to return equipment acquired in part or in whole with Federal funds to the NRCS, other Federal agencies, or a designated third party. Compensate recipients for their proportionate share of current market value and shipping costs, for equipment purchased in part with their funds. NRCS may direct recipients to sell equipment and allow deduction of any actual and reasonable selling and fixing-up expenses from sale proceeds (7CFR 3015.168 (b), 3016.31 (c)(2), and 3019.32 (c)(2))

600.174 RECORDS

A. FILES CONSOLIDATION

Consolidate all copies of NRCS files for the grants and/or agreement in accordance with the NRCS Records Guide.

SUBPART I - EXHIBITS

- [600.190](#) AUTHORITIES
- [600.191](#) OMB CIRCULARS & USDA IMPLEMENTING REGULATIONS
- [600.192](#) DECISION TREE
- [600.193](#) REQUEST FOR PROJECT
- [600.194](#) SAMPLE OF DETERMINATIONS AND FINDINGS FOR AWARD OF A NON-COMPETITIVE DISCRETIONARY COOPERATIVE AGREEMENT
- [600.195](#) SAMPLE FORMAT FOR ANNOUNCEMENTS
- [600.195a](#) SAMPLE ANNOUNCEMENT (DOC)
- [600.195b](#) SAMPLE FORMAT FOR ANNOUNCEMENT (NRCS)
- [600.196](#) CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS – PRIMARY COVERED TRANSACTIONS
- [600.197](#) INSTRUCTIONS FOR CERTIFICATION
- [600.198](#) CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS --LOWER TIER COVERED TRANSACTIONS
- [600.199](#) INSTRUCTIONS FOR CERTIFICATION
- [600.200](#) FINANCIAL STATUS REPORT
- [600.201](#) INSTRUCTIONS FOR FINANCIAL STATUS REPORT
- [600.202](#)
- [600.203](#) INSTRUCTIONS FOR REQUEST FOR ADVANCE OR REIMBURSEMENT
- [600.204](#) APPLICATION FOR FEDERAL ASSISTANCE
- [600.205](#) SF-424, APPLICATION FOR FEDERAL ASSISTANCE INSTRUCTIONS FOR COMPLETION
- [600.206](#) SF-424, APPLICATION FOR FEDERAL ASSISTANCE INSTRUCTIONS FOR COMPLETING REVISIONS
- [600.207](#)
- [600.208](#) ASSURANCES-NON-CONSTRUCTION PROGRAMS
- [600.209](#) BUDGET INFORMATION --- CONSTRUCTION PROGRAMS

[600.210](#) ASSURANCES – CONSTRUCTION PROGRAMS

[600.211](#) DISCLOSURE OF LOBBYING ACTIVITIES

[600.212](#) INSTRUCTIONS FOR COMPLETION OF SF-LLL DISCLOSURE OF
LOBBYING ACTIVITIES

[600.213](#) DISCLOSURE OF LOBBYING ACTIVITIES CONTINUATION SHEET

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Part 600 – Federal Grants and Cooperative Agreements
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600.190

AUTHORITIES

The following Federal statutory authorities and assigned Catalog of Federal Domestic Assistance (CFDA) numbers may be available for entering into grants or cooperative agreements with non-Federal parties. See Table 01 with Subpart I – Exhibits, Part 600.190 regarding what actions may be taken under a particular authority.

1. NRCS Soil Survey, Public Law 74-46; Public Law 89-560 (CFDA No. 10.903).
2. NRCS Resource Conservation and Development, Public Law 97-98, 95 Stat. 1213 (CFDA No. 10.901).
3. Soil and Water Conservation, Soil Conservation and Domestic Allotment Act of 1936, as amended, Public Law 74-46, 16 U.S.C. 590 a-f (CFDA No. 10.902).
4. Great Plains Conservation, Soil Conservation and Domestic Allotment of 1936, Public Law 74-46, as amended; Great Plains Act of 1956, Public Law 84-1021; Public Law 86-793; Public Law 91-118; Public Law 96-263; Public Law 101-624. (CFDA No. 10.900).
5. Rural Abandoned Mine Program, Surface Mining Control and Reclamation Act of 1977, Section 406, Public Law 95-87, 91 Stat. 460, 30 U.S.C. 1236; Abandoned Mine Reclamation Act of 1990; Energy Policy Act of 1992. (CFDA No. 10.910).
6. Watershed Surveys and Planning, Public Law 83-566, 68 Stat. 666, as amended; Public Law 84-1018, 70 Stat. 1088; Public Law 85-624, 72 Stat. 563; Public Law 85-865, 72 Stat. 1605; Public Law 86-468, 74 Stat. 131, 132; Public Law 86-545, 74 Stat. 254; Public Law 87-170, 75 Stat. 408; Public Law 87-703, 76 Stat. 608; Public Law 89-337, 79 Stat. 1300; Public Law 90-361, 82 Stat. 250; Public Law 97-98, 95 Stat. 1213; Public Law 99-662, 100 Stat. 4196; Public Law 101-624, 104 Stat. 3359. (CFDA No. 10.906).
7. Environmental Quality Incentives Program, Federal Improvement and Reform Act of 1996, Public Law 104-127, as amended; Food Security Act of 1985, Subtitle D, Title XII, 16 U.S.C. 3830 et seq. (CFDA No. 10.912).
8. Snow Survey and Water Supply Forecasting, Soil Conservation and Domestic Allotment Act of 1936, as amended, Public Law 74-46 (CFDA No. 10.907).
9. Water Bank Program, Water Bank Act, Public Law 91-559, Public Law 96-182. (CFDA No. 10.062).
10. Plant Materials for Conservation, Soil Conservation and Domestic Allotment Act of 1936, as amended, Public Law 74-46. (CFDA No. 10.905).

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11. Farmland Protection Program, Federal Agriculture Improvement and Reform Act of 1996, Section 388 (CFDA No. 10.913).
12. Wetlands Reserve Program, Food Security Act of 1985, Title XII, Public Law 99-198, as amended; Food, Agriculture, Conservation and Trade Act of 1990, Title XIV, Section 1237, Public Law 101-624, 104 Stat. 3584, 7 U.S.C. 3837, as amended; Omnibus Budget Reconciliation Act of 1993; Federal Agriculture Improvement and Reform Act of 1996; Agriculture Appropriations Act of 1997. (CFDA No. 10.072).
13. Watershed Protection and Flood Prevention Act (Operational Phase), Public Law 83-566, 68 Stat. 666, as amended; Public Law 84-1018, 70 Stat. 1088; Public Law 85-624, 72 Stat. 563; Public Law 85-865, 72 Stat. 1605; Public law 86-468, 74 Stat. 131, 132; Public Law 86-545, 74 Stat. 254; Public law 87-170, 75 Stat. 408; Public Law 87-703, 76 Stat. 608; Public Law 89-337, 79 Stat. 1300; Public Law 90-361, 82 Stat. 250; Public Law 92-419, 86 Stat. 667; Public Law 95-113, 91 Stat. 913; Public Law 97-98, 95 Stat. 1213; Public Law 99-662, 100 Stat. 4196; Public Law 101-624, 104 Stat. 3359 (CFDA No. 10.904).
14. Forestry Incentives Program, Cooperative Forestry Assistance Act of 1978, Public Law 95-313 (CFDA No. 10.064).
15. Wildlife Habitat Incentive Program, Federal Improvement and Reform Act of 1996, Public Law 104-127; Food Security Act of 1985, as amended, 16 U.S.C. 3830 et seq. (CFDA No. 10.914).
16. Colorado River Basin Salinity Control Program, Colorado River Basin Salinity Control Act of 1974, as amended, Section 202c of Title II, 43 U.S.C. 1592c; Section 201, Public Law 93-320, 88 Stat. 271; Section 2, Public Law 98-569, 98 Stat. 2933, 43 U.S.C. 1592(c). (CFDA No. 10.070).
17. Emergency Watershed Protection, 33 U.S.C. 701b-1, 16 U.S.C. 2203, 7 CFR 601.1(e)(6)(ii), 7 CFR 624.
18. Conservation Reserve Program, 16 U.S.C. 383-3836, 7 CFR 704, 7 CFR 1410.
19. National Resources Inventory, 16 U.S.C. 2004.

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Table 01. ¹ NRCS Programs and Procurement Authorities ²

Program / Authority	Contracts ³	Financial Assistance ⁴	Other ⁵	Notes
Conservation Technical Assistance (16 USC 590d and 2005)	Yes	Yes ²⁰	Yes	A, B
Soil Survey (16 USC 2004)	Yes	No	Yes	A, B
Snow Survey and Water Forecasting	Yes	No	Yes	A, B
Watershed Surveys and Planning (16 USC 1001-1010, 7 CFR 601.1(e)(5))	Yes	Yes ⁶	Yes	B
Watershed Protection and Flood Prevention ⁷ (16 USC 1001-1010, 33 USC 701b-1, 7 CFR 622)	Yes	Yes	Yes	B
Emergency Watershed Protection 33 USC 701b-1, 16 USC 2203, 7 CFR 601.1(e)(6)(ii), 7 CFR 624	Yes	Yes	Yes	B
Rural Abandoned Mine Program 30 USC 1236, 7 CFR 632	Yes	Yes ⁸	Yes	C
Colorado River Basin Salinity Control 43 USC 1592(c), 7 CFR 601.1(e)(5)	Yes	Yes ⁹	Yes	C
Water Bank 16 USC 1301-1311, 7 CFR 633	Yes	Yes ¹⁰	Yes	C
Forestry Incentive Program 16 USC 2103, 7 CFR 2.61 (16), 7 CFR 701	Yes	Yes ¹¹	Yes	C
Wildlife Habitat Improvement Program 16 USC 3836a, 7 CFR 636	Yes	Yes ¹²	Yes	C
Wetland Reserve Program 15 USC 714 et seq., 16 USC 590a et seq., 16 USC 3837 et seq. 7 CFR 1467	Yes	Yes ¹³	Yes	
Environmental Quality Incentive Program 16 USC 3839aa, 7 CFR 1466	Yes	Yes ¹⁴	Yes	C
Resource Conservation and Development 7 USC 1010-1035	Yes	Yes ¹⁵	No	D
Farmland Protection Program 7 USC 4201 et seq., 16 USC 3830	No	Yes ¹⁶	Yes	
Plant Materials 16 USC 590a et seq.	Yes	No	Yes	
Conservation Reserve Program 16 USC 3831-3836, 7 CFR 704, 7 CFR 1410	Yes	Yes ¹⁷	No	
National Resources Inventory 16 USC 2004	Yes	No ¹⁸	Yes	
Great Plains Conservation Program	Yes	Yes ¹⁹	Yes	C

NOTES.

- A. NRCS policy does not permit the use of appropriated funds for Financial Assistance awards under these programs. However, Technical Assistance funds may be used in “agreements” in order to achieve a mutual goal.
- B. The receipt of funds from a state or local governmental or non-governmental entity is not considered a Cooperative Agreement or a Grant. As noted in the “other” column, such agreements may be referred to as “Contributory Agreements.”

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- C. Although NRCS often calls agreements between the Agency and individual landowners “contracts,” they are actually considered financial assistance under the Federal Grant and Cooperative Agreement Act.
- D. Participating governmental entities and not-for-profit organizations must be within a designated RC&D area.

¹This information is for general guidance only. Program managers should be familiar with their program authorities.

²The Federal Grants and Cooperative Agreements Act of 1977, 31 USC 6301-6308, groups the instruments used to spend Federal funds into Contracts, Cooperative Agreements, and Grants, and defines each as noted elsewhere. All three types of procurement create obligations on the part of the NRCS and are enforceable in court. In this sense, all three types of instruments are “contractual relationships.”

³Contract – Must be used when obtaining goods or services for the direct benefit of the Government. Examples: Office space for employees to carry out program; Meetings to provide training on program delivery or conduct focus group meetings; Obtain land and/or biological surveys used to determine eligibility or participation in Wetland Reserve Program; or Conduct maintenance where NRCS bears the costs such as a SNOWTEL site. Contracts must comply with provisions of the Federal Acquisition Regulations, 48 CFR.

⁴Financial Assistance – Includes Cooperative Agreement and Grants. Financial Assistance awards are used only when the purpose is to stimulate activity authorized by the statute. Cooperative Agreements are used where the NRCS anticipates “substantial involvement” in the planned activity(ies). Grants – Must be used when the purpose is to stimulate activity authorized by statute and “substantial involvement” by NRCS is NOT planned. Must be competed except in certain instances outlined in 7 CFR 3015.158.

⁵Other – Includes agreements with other Federal agencies under the Economy Act; “Contribution Agreements” in which NRCS receives funds from other entities to expedite or expand services already being provided by NRCS (Ex. Accelerated Soil Survey).

⁶Under the Watershed Survey and Planning Program, financial assistance awards may be made to state or local agencies charged with responsibility for the management and control of the applicable watershed.

⁷USDA’s Fiscal Year 1996 Appropriation consolidated the Small Watershed Planning and the River Basin Surveys and Investigations Programs into a new program called the Watershed Surveys and Planning Program (7 CFR 601.1(e)(i)).

⁸Financial Assistance awards may be made to “landowners, residents, and tenants, [] individually or collectively, determined by [the Secretary] to have control for the period of the agreement. 30 USC 1236(a).

⁹The Secretary of Agriculture may establish a voluntary cooperative salinity control program with landowners and may provide technical and cost sharing assistance to owners (individually or as a group) of farm and ranch lands, and to other local governmental and non-governmental entities such as irrigation districts and canal companies. 43 USC 1592(c)(2)(C). Also, the Secretary may carry out related research, demonstrations and education activities. 43 USC 1592 (c)(2)(E). Grants and cooperative agreements with conservation districts, local government agencies, colleges and universities may be used to carry out the activities under this program.

¹⁰Agreements may be entered into with landowners and operators of important migratory waterfowl nesting and breeding areas. 16 USC 1302.

¹¹NRCS may enter into agreements with owners of less than 1,000 acres of private forest land. NRCS is authorized to use conservation districts and state and other federal agencies in the development and installation of practices under the program. 16 USC 1508.

¹²Agreements may be entered into with landowners to develop upland wildlife, wetland wildlife, threatened and endangered species, fish and other types of wildlife habitat 16 USC 3836a(b).

¹³See Wetland Reserve Program Guidance Letter of 08/06/98.

¹⁴Agreements may be entered into cost-sharing agreements with landowners to install conservation measures.

¹⁵NRCS may enter into grants and agreements with approved RC&D councils and/or local governmental entities or non-for-profit entities within approved RC&D areas.

¹⁶Financial assistance is provided to the state organization charged with responsibility for the protection of targeted agricultural lands.

¹⁷Financial assistance may be awarded to eligible landowners.

¹⁸Not envisioned that any type of arrangement between NRCS and a non-federal entity would not involve “substantial participation.”

¹⁹Cost-sharing agreements may be entered into with owners or operators of eligible lands.

²⁰Although NRCS does not have a financial assistance program within CTA, NRCS can use financial assistance instruments to provide technical assistance to recipients.

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600.191

OMB CIRCULARS & USDA IMPLEMENTING REGULATIONS

OMB Circular A-21	Cost Principals for Educational Institutions
OMB Circular A-87	Cost Principals for State, Local and Indian Tribal Governments
OMB Circular A-102	Grants and Cooperative Agreements with State and Local Governments
OMB Circular A-110	Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit

Organizations

OMB Circular A-122	Cost Principals for Non-Profit Organizations
OMB Circular A-133	Audits of States, Local Governments, and Non-Profit Organizations
7 CFR Part 3015	Uniform Federal Assistance Regulations
7 CFR Part 3016	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government
7 CFR Part 3017	Government Wide Debarment and Suspension and Government Requirements for Drug-Free Workplace
7 CFR Part 3018	New Restrictions on Lobbying
7 CFR Part 3019	Uniform Requirements for Grants and Cooperative Agreements to Institutions of Higher Education, Hospitals and Other Non-Profit Organizations
7 CFR Part 3052	Audits of States and Local Governments and Non-Profit Organizations

Note: The OMB Circular and USD Implementary Regulations can be obtained from the following web sites:

<http://www.whitehouse.gov/WH/EOP/OMB/html/circular.html>
<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>

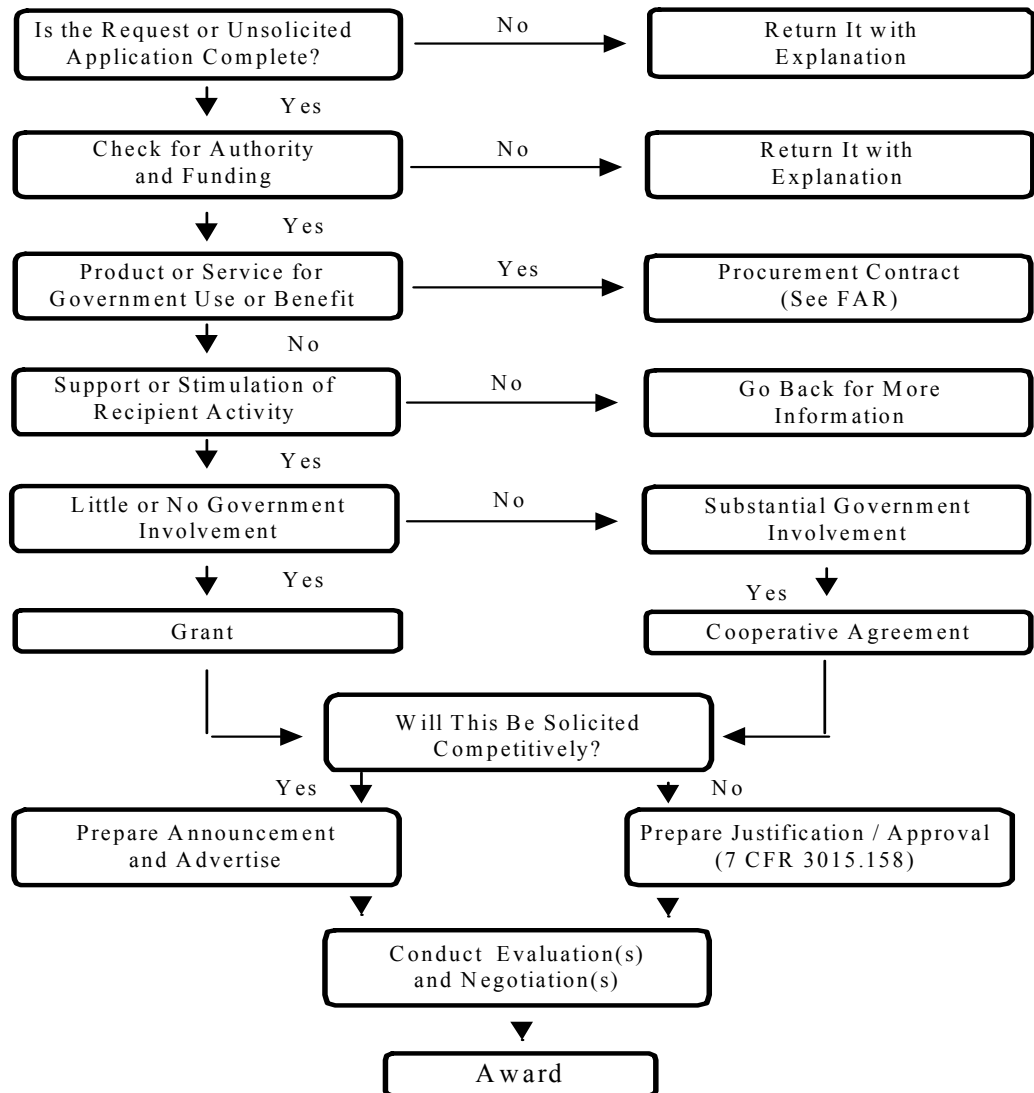
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600.192

DECISION TREE

Decision Tree

A Request or Unsolicited Application is Received



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600.193

REQUEST FOR PROJECT

GENERAL INFORMATION

1. Name of Project(s)
2. Potential Sources (Provide company name, contact name and title, address, phone number and fax number)

PROPOSAL INFORMATION

1. Project Description (Scope of Work)
2. Purpose / Objective
3. Benefits (who, how and why)
4. Duration of Project
5. Authority (Public Law or U.S.C.)

FUNDING INFORMATION

1. Estimated Project Cost
2. NRCS Contribution (funds, equipment, personnel, commitments, etc.)
3. Funding Source

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600.194

SAMPLE OF DETERMINATIONS AND FINDINGS FOR AWARD OF A NON-COMPETITIVE DISCRETIONARY COOPERATIVE AGREEMENT

Pursuant to the Uniform Federal Assistance Regulations, 7 CFR 3015, the Natural Resources Conservation Service offers the following Determination and Findings as justification for awarding a non-competitive cooperative agreement. The main purpose of the award is to provide financial assistance to the Conservation Technology Information Center (CTIC), a non-government, non-profit organization in its effort to assist landowners and land users in meeting the requirements of the conservation provisions of the 1985 and 1990 Farm Bills. CTIC is a resource and information center that encourages the adoption of soil and water conservation systems that are environmentally responsible, and enhance agriculture visibility.

The CTIC plan (proposed to NRCS) involves launching a National program that would involve agri-business, local Soil and Water Conservation Districts, USDA and Agricultural commodity organizations to implement a residue management marketing program based on market findings. Through a common focus, landowners and land users will be provided with information, services and encourage needed for implementing more efficient cost effective conservation practices for meeting the congressional requirements of 1985 and 1990 Farm Bills.

Though the proposal presented by CTIC was not solicited by NRCS, evaluation of the proposal shows that the CTIC plan will provide a foundation for increased cooperation between Federal and non-Federal parties in assisting landowners and land users to improve residue management techniques. NRCS, as a lead agency for conservation, believes that the aspects covered by the CTIC plan will serve to provide better technical and planning assistance to the nation's landowners and land users.

FINDINGS:

1. NRCS has the authority under the Soil Conservation and Domestic Allotment Act (6 U.S.C. 590a) to enter into this type of relationship.
2. The CTIC proposal/application is based on a accomplishing a public purpose of support and stimulation in carrying out activities authorized by the 1985 and 1990 Farm Bills, and other conservation related legislation.
3. The CTIC proposal/application does not fall under a recent, current or proposed NRCS solicitation.
4. NRCS will be substantially involved with CTIC during performance of the activities covered by the application/proposal
5. The level of NRCS financial participation in the relationship is commensurate with the anticipated benefits.
6. Preparation of a solicitation for commensurate marketing proposals/applications would result in significant cost, and the possibility of unfairly disclosing information that CTIC has proposed.

DETERMINATIONS

Based on the above findings, I, as the awarding official, hereby determine that within the requirements of the Regulation of the Secretary, 7 CFR 3015.158(d), this non-competitive award funds an innovative and unique approach; such award is in the best interest of the Government; and is needed to assist in accomplishing conservation objectives.

Signature of State Conservationist

Date

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600.195

SAMPLE FORMAT FOR ANNOUNCEMENTS

DEPARTMENT OF AGRICULTURE

(CFDA NO: _____) *Note: Enter appropriate number from the Catalog of Federal Domestic Assistance (CFDA)*

PURPOSE: *Note: This space is to be used to explain the purpose of the program which is normally contained in the agency's enabling legislation. If the authority above is cited, merely state the intended purpose of the expenditure of the funds.*

AGENCY: Department of Agriculture, Natural Resources Conservation Service.

ACTION: Notice of availability of funding for Fiscal Year (fill in) (insert procedures for application).

SUMMARY: *Note: This space is to be used to summarize the components of this announcement.*

ELIGIBLE APPLICANTS: An eligible applicant is any (state the type of organizations eligible to submit proposals, e.g., private, non-profit organizations, institutions of higher education, or state or local government).

EVALUATION CRITERIA AND WEIGHTS: *Note: This space is to be used to set forth the criteria and weights assigned, e.g., initial evaluation will be based on response to announcement; conceptual approach to project (30 points); soundness of project design/technical approach (35 points); project management and experience and qualifications of personnel (15 points); justification and allocation of budget (20 points).*

METHODS OF EVALUATING AND RANKING APPLICATIONS: *Note: This space is to be used to set forth the method for evaluating, e.g., convene a review panel to conduct reviews independently. Discuss review comments as a panel, and provide individual panelist scores and suggestions for modifications of applications. For funding decisions, applications will be ranked into two groups-Recommended and Not Recommended. After projects have been ranked for funding, the signatory official will determine the project to be funded based upon the technical evaluations, panel reviews, and then determine the amount of funds available for the project. The exact amount of funds to be awarded to the project will be determined in pre-award negotiations between the applicant and the agency.*

DEADLINE FOR RECEIPT OF APPLICATIONS: *Note: give applicants 20-45 days. Specify exact date to be returned.*

AVAILABLE FUNDING: *Note: The available funding is the total estimated amount for the fiscal year, the amount estimated for each recipient or both. Include statement about any awards being subject to availability of funding being appropriated by Congress.*

PROJECT PERIOD: *Note: This space is to be used to set forth the period of funding, i.e., any length of time up to 5 years.*

TYPE OF FUNDING INSTRUMENT AND ESTIMATED NUMBER OF AWARDS: *Note: This space is to be used to indicate GRANT OR COOPERATIVE AGREEMENT and the number of proposed awards.*

PROCEDURES FOR APPLYING FOR ASSISTANCE: Applications for assistance must contain the following: project proposal, in narrative form, describing the nature of the proposed project; project title; project leaders; need for the project; project objectives; time table; expected output; management plan; and personnel support. *If applicable, include cost principals and cost matching or sharing.* The following

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forms are required and can be obtained from the issuing officer or the web sites listed below. ****Note: Include only those forms applicable to the instant requirement.***

<http://www.whitehouse.gov/WH/EOP/OMB/Grants>

Standard Form 4224	Application from Federal Assistance
Standard Form 424A*	Budget Information – Non-construction Programs
Standard Form 424B*	Assurances – Non-construction Programs
Standard Form 424C*	Budget Information – Construction Programs
Standard Form 424D*	Assurances – Construction Programs
(Form Number N/A)	Certification Regarding Lobbying
SF-LLL	Disclosure of Lobbying Activities
SF-269 or SF-269A	Financial Status Report (Long or Short Form)
SF-270	Request for Advance or Reimbursement
Form AD-1047*	Certification Regarding Debarment, Suspension, and Responsibility Other matters-Primary Covered Transactions
Form AD-1048*	Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

DRUG-FREE CERTIFICATION: The applicant, by signing or submitting this application or grant agreement, is providing a certification set forth in Appendix C to 7 CFR Part 3017; Certification Regarding Drug-Free Workplace Requirements.

AGENCY CONTACT: ***Note: List name and phone number of person responsible for answering any questions regarding the announcement.***

SUBMISSION REQUIREMENTS: ***Note: List name and address where applications should be mailed and number of copies.***

AUTHORITY: ***Note: This space is to be used to cite the enabling legislation.***

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600.195a

SAMPLE ANNOUNCEMENT (DOC)

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 95-0222054-5054-01; I.D. 021495A]

RIN 0648-ZA15

Financial Assistance for Chesapeake Bay Stock Assessments to Encourage Research Projects for Improvement in the Stock Conditions of the Chesapeake Bay Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of funds.

SUMMARY: A total of \$540,000 in Fiscal year (FY) 1995 funds is available through the NOAA/NMFS Chesapeake Bay Office to assist interested state fishery agencies, academic institutions, and other nonprofit organizations relating to cooperative research units, in carrying out research projects to provide information for Chesapeake Bay Stock Assessments through cooperative agreements. About \$180,000 of the base amount is available to initiate new projects in FY 1995, as described in this announcement. NMFS issues this notice describing the conditions under which eligible applications will be accepted and how NMFS will determine which applications will be selected for funding.

DATES: Applications for funding under this program will be accepted until May 1, 1995, 6 p.m. eastern standard time. Applications received after that time will not be considered for funding. No applications will be accepted by facsimile machine submission.

Successful applicants generally will be selected approximately 90 days from the date of publication in the Federal Register of this notice. The earliest date for awards will be approximately 180 days after the date of publication in the Federal Register of this notice.

ADDRESSES: Send applications to: M. Elizabeth Gillelan, Division Chief, NOAA Chesapeake Bay Office, NMFS, 410 Severn Avenue, Suite 107A, Annapolis, MD 21403.

FOR FURTHER INFORMATION CONTACT: M. Elizabeth Gillelan, 410/267-5660.

SUPPLEMENTARY INFORMATION:

I. Introduction

- A. **Authority.** The Fish and Wildlife Act of 1956, as amended, at 16 U.S.C. 753 (a), authorizes the Secretary of Commerce (Secretary), for the purpose of developing adequate, coordinated, cooperative research and training programs for fish and wildlife resources, to continue to enter into cooperative agreements with colleges and universities, with game and fish departments of the several states, and with nonprofit organizations relating to cooperative research units. The Departments of Commerce (DOC), Justice, State, the Judiciary, and Related Agencies Appropriations Act of 1995 make funds available to the Secretary.

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- B. **Catalog of Federal Assistance.** The research to be funded is in support of the Chesapeake Bay Studies (CFDA 11.457), under the Chesapeake Bay Stock Assessment Committee (CBSAC).
- C. **Program description.** The CBSAC was established in 1985 to plan and review Bay-wide resource assessments, coordinate relevant actions of state and Federal agencies, report on fisheries status and trends, and determine, fund and review research projects. The program implements a Bay-wide plan for the assessment of commercially, recreationally, and selected ecologically important species in the Chesapeake Bay. In 1988, CBSAC developed a Bay-wide Stock Assessment Plan, in response to provisions in the Chesapeake Bay Agreement of 1987. The plan identified that key obstacles to assessing Bay stocks were the lack of consistent, Bay-wide, fishery-dependent and fishery-independent data. Research projects funded since 1988 have focused on developing and improving fishery-independent surveys and catch statistics for key Bay species, such as striped bass, oysters, blue crabs, and alosids. Stock assessment research is essential, given the recent declines in harvest and apparent stock condition for many of the important species of the Chesapeake Bay.

II. Areas of Special Emphasis

- A. Proposals should exhibit familiarity with related work that is completed or ongoing. Where appropriate, proposals should be multidisciplinary. Coordinated efforts involving multiple eligible applicants or persons are encouraged. Eligible women and minority owned and operated non-profit organizations are encouraged to apply.

Consideration for funding will be given to applications that address the following stock assessment research and management priorities for the Chesapeake Bay. These are listed in priority order:

1. Design and development of a Bay-wide recreational survey for blue crabs. This study should provide not only estimates of blue crab harvest by category (e.g., hard, soft, peeler) and associated effort, but also biological sample data on size or age distribution of the recreational harvest. This could be designed as a stand-alone survey, or as a supplement to the NMFS Marine Recreational Fisheries Statistics Survey (MRFSS).

A major impediment to understanding the status of the fishery resources in the Chesapeake Bay is the lack of knowledge of the total removals, by fishing, of important fish and shellfish species.

While estimates of commercial catches from both Maryland and Virginia are available based on state reporting requirements, estimates of recreational blue crab harvest are not available for most years. A main concern to be addressed in the design of this survey is the difficulty in obtaining estimates of recreational blue crab catches since much of the harvest is landed at private, rather than public, docks and ramps.

The recreational survey design should be consistent with the model of the NMFS MRFS, with its two principal design components. First, a telephone survey instrument used to enumerate total period and seasonal directed fishing effort by mode. Secondly, an access intercept survey component to estimate periods/seasonal mean catch-rate by mode and category, and the collection of biological characterization data.

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Proposals for this priority must address the following aspects of the survey design:

- a. Identification of the access-intercept sampling frame, including:
 - (1) List of all access sites.
 - (2) Detailed model for scheduling the temporal and geographic distribution of field interviews within the sampling frame, and the routing scheme among access sites.
 - (3) Description of information to be obtained from interviews, specifically to interview survey questionnaire.
 - (4) Description of the nature and manner of collection of biological samples which will minimally include size, sex, and category by mode.
 - b. Identification of the telephone survey sampling frame, including:
 - (1) Specifications of who is included in the sampling frame and how this was determined.
 - (2) Complete description of the temporal distribution of telephone calls and associated sample size requirements.
 - (3) Specification of the interview survey questionnaire.
 - c. Completion of a pilot study, which will successfully demonstrate the effectiveness of the above two survey components for the estimation and characterization of blue crab recreational harvest. The pilot study should minimally address the following:
 - (1) Comparisons of catch rates among the various fishing modes, methods, and times, etc. which will serve as the basis for determining the proportional sampling needed to provide unbiased estimates.
 - (2) Identification and resolution of any deficiencies in the sampling frame.
 - (3) Final estimates of the pilot study period recreational harvest by category, mode (with associated effort) and measures of percent standard error about the point estimates.

Copies of a report of a workshop which discussed concerns specific to the design of a recreational blue crab survey may be obtained from the NOAA Chesapeake Bay Office.
2. Design and conduct a study to determine the discard mortality and discard size frequencies in the commercial and recreational fisheries in Chesapeake Bay. This study should provide information on the reason for discard (e.g., minimum size regulation, lack of market, etc.), the length of distribution of discards, and discard mortality rates, primarily for summer flounder and bluefish, as well as other important Bay species. This is to be a onetime study, not a design effort for future implementation.

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Discard information is limited and current assessments are forced to use analogous information from other species and limited areas. Data from this study would be a valuable improvement in coast-wide assessments.

3. Design of a cost-effective American shad mark-and-recapture (tagging) study which would provide abundance and mortality estimates for Chesapeake Bay stocks. There is currently a Bay-wide moratorium on the harvest of American shad, yet coastal intercept fisheries continue to harvest this species. This study should be designed to identify which fisheries harvest Bay stocks, and provide estimates of the abundance and mortality rates for those stocks.
- B. Applications addressing the priorities should build upon, or take into account, any related past or current work.

III. How to Apply

- A. **Eligible Applicants.** Applications for cooperative agreements under the Chesapeake Bay Studies Program may be submitted, in accordance with the procedures set forth in this notice, by any state game and fish department, college or university, or other nonprofit organizations relating to cooperative research units. Other Federal agencies or institutions are not eligible to receive Federal assistance under this notice.

DOC/NOAA/NMFS employees, including full-time, part-time, and intermittent personnel (or their spouses or blood relatives who are members of their immediate households) are not eligible to submit an application under this solicitation or aid in the preparation of an application, except to provide information on program goals, funding priorities, application procedures, and completion of application forms. Since this is a competitive program, assistance will not be provided in conceptualizing, developing, or structuring proposals.

Eligible applicants outside the Chesapeake Bay region may submit proposals, as long as their objectives support the technical and management priorities of the Chesapeake Bay, as defined in section II.A. above. All solicited proposals received by the closing date will be considered by NMFS.

- B. **Duration and terms of funding.** Under this solicitation, NMFS will fund Chesapeake Bay Stock Assessment Research Projects for 1 year cooperative agreements. The cooperative agreement has been determined as the appropriate funding instrument because of the substantial involvement of NMFS in:
1. Developing program research priorities;
 2. Evaluating the performance of the program for effectiveness in meeting regional goals for Chesapeake Bay stock assessments;
 3. Monitoring the progress of each funding project;
 4. Holding periodic workshops with investigators; and

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5. Working with recipients in preparation of annual reports summarizing current accomplishments of the Chesapeake Bay Stock Assessment Committee. Project dates should be scheduled to begin no later than 1 October 1995. Cooperative agreements are approved on an annual basis but may be considered eligible for continuation beyond the first project and budget period subject to the approved scope of work, satisfactory progress, and available of funds at the total discretion of NMFS. However, there are no assurances for such continuation. Publication of this notice does not obligate NMFS to award any specific cooperative agreement or to obligate any part of the entire amount of funds available.

- C. **Cost Sharing.** Applications must reflect the total budget necessary to accomplish the project, including contributions and/or donations. Cost sharing is not required under the Chesapeake Bay Stock Assessment Research Program. However, cost sharing is encouraged to enhance the value of a project, and in case of a tie in considering proposals for funding, cost sharing may affect the final decision. The appropriateness of all cost sharing will be determined on the basis of guidance provided in applicable Federal cost principles. If an applicant chooses to share costs, and if that application is selected for funding, the applicant will be bound by the percentage of cost sharing reflected in the award document.

The non-federal share may include funds received from private sources or from state or local governments or the value of in-kind contributions. Federal funds may not be used to meet the non-Federal share of matching funds, except as provided by Federal statute. In-kind contributions are non-cash contributions provided by the applicant or non-Federal third parties. In-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to the project, and permission to use real or personal property owned by others (for which consideration is not required) in carrying out the project. To support the budget, the applicant must describe briefly the basis for estimating the value of the non-Federal funds derived from in-kind contributions.

The total cost of a project begins on the effective date of a cooperative agreement between the applicant and an authorized representative of the U.S. Government and ends on the date specified in the award. Accordingly, the time expended and costs incurred in either the development of a project or the financial assistance application, or in any subsequent discussions or negotiations prior to the award, are neither reimbursable nor recognizable as part of the recipient's cost share.

D. **Format.**

1. Applications for project funding must be complete. Applicants must identify the specific research priority or priorities to which they are responding. For applications containing more than one project, each project component must be identified individually using the format specified in this section. If an application is not in response to a priority, it should be so stated. Applicants should not assume prior knowledge on the part of NMFS as to the relative merits of the project described in the application. Applications are not to be bound in any manner and should be one-sided. All incomplete applications will be returned to the applicant. Applicants must submit one signed original and two copies of the complete application.

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2. Applications must be submitted in the following format:

- a. Cover sheet: An applicant must use OMB Standard Form 424 (revised 4-92) as the cover sheet for each project. Applicants may obtain copies of these forms from the NOAA Grants Management Division or the NOAA Chesapeake Bay Office (see ADDRESSES).
- b. Project summary: Each proposal must contain a summary of not more than one page that provides the following:
 - (1) Project title.
 - (2) Project status (new).
 - (3) Project duration (beginning and ending dates).
 - (4) Name, address, and telephone number of applicant.
 - (5) Principal Investigator(s).
 - (6) Project objectives.
 - (7) Summary of work to be performed.
 - (8) Total Federal funds requested.
 - (9) Cost sharing to be provided from non-Federal sources, if any. Specify whether contributions are project-related cash or in-kind.
 - (10) Total project cost.
- c. Project description. Each project must be completely and accurately described. Each project description may be up to 15 pages in length. If an application is awarded, NMFS will make all portions of the project description available to the public for review; therefore, NMFS cannot guarantee the confidentiality of any information submitted as part of any project, nor will NMFS accept for consideration any project requesting confidentiality of any part of the project.

Each project must be described as follows:

- (1) Identification of problem(s): Describe the specific problems to be addressed and the area of emphasis to which the project responds (see Section II above).
- (2) Project objectives: This is one of the most important parts of the Project Proposal. Use the following guidelines for stating the objective of the project.
 - (a) Keep it simple and easily understandable.

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- (b) Be as specific and quantitative as possible.
 - (c) Specify the “what and when”; avoid the “how and why”.
 - (d) Keep it attainable within the time, money, and human resources available.
 - (e) Use action verbs that are accomplishment oriented.
- (3) Need for Government financial assistance: Demonstrate the need for assistance. Any appropriate database to substantiate or reinforce the need for the project should be included. Explain why other funding sources cannot fund all the proposed work. List all other sources of funding that are or have been sought for the project.
- (4) Benefits or results expected: Identify and document the results or benefits to be derived from the proposed activities.
- (5) Project statement of work: The Statement of Work is the scientific or technical action plan of activities that are to be accomplished during each budget period of the project. This description must include the specific methodologies, by project job activity, proposed for accomplishing the proposal’s objective(s). If the work described in this section does not contain sufficient detail to allow for proper technical evaluation, NMFS will not consider the application for funding and will return it to the applicant.

Investigators submitting proposals in response to this announcement are strongly encouraged to develop inter-institutional, inter-disciplinary research teams in the form of single, integrated proposals or as individual proposals that are clearly linked together. Such collaborative efforts will be factored into the final funding decision.

Each Statement of Work must include the following information:

1. The applicant’s name.
2. The inclusive dates of the budget period covered under the Statement of Work.
3. The title of the proposal.
4. The scientific or technical objectives and procedures that are to be accomplished during the budget period. Devise a detailed set of objectives and procedures to answer who, what, how, when, and where. The procedures must be of sufficient detail to enable competent workers to be able to follow them and to complete scheduled activities.
5. Location of the work.
6. A list of all project personnel and their responsibilities.
7. A milestone table that summarizes the procedures (from item III.D.2.c.(5)(d)) that are to be attained in each month covered by the Statement of Work.

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8. Participation by persons or groups other than the applicant: Describe the level of participation required in the project(s) by NOAA or other government and non-government entities. Specific NOAA employees should not be named in the initial proposal.
9. Federal, state and local government activities: List any programs (Federal, state or local government or activities, including Sea Grant, state Coastal Zone Management Programs, NOAA Oyster Disease Research Program, the state/Federal Chesapeake Bay Program, etc.) this project would affect and describe the relationship between the project and those plans or activities.
10. Project management: Describe how the project will be organized and managed. Include resumes of principal investigators. List all persons directly employed by the applicant who will be involved with the project. If a consultant and/or subcontractor is selected prior to application submission, include the name and qualifications of the consultant and/or subcontractor and the process used for selection.
11. Monitoring of project performance: Identify who will participate in monitoring the project.
12. Project impacts: Describe the impact of the project in terms of anticipated increased production, sales, product quality and safety, improved management, or any other values that will be produced by this project. Describe how these products or services will be made available to the fisheries and management communities.
13. Evaluation of project: The applicant is required to provide an evaluation of project accomplishments at the end of each budget period and in the final report. The application must describe the methodology or procedures to be followed to determine technical feasibility, or to quantify the results of the project in promoting increased production, product quality and safety, management effectiveness, or other measurable factors.
14. Total project costs: Total project cost is the amount of funds required to accomplish what is proposed in the Statement of Work, and includes contributions and donations. All costs must be shown in a detailed budget. A standard budget form (SF-424A) is available from the offices listed (see ADDRESSES). NMFS will not consider fees or profits as allowable costs for grantees. Additional cost detail may be required prior to a final analysis of overall cost allowability, allocability, and reasonableness. The date, period covered, and findings for the most recent financial audit performed, as well as the name of the audit firm, the contact person, and phone number and address, must be also provided.

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15. Supporting documentation: Provide any required documents and any additional information necessary or useful to the description of the project. The amount of information will depend on the type of project proposed, but should be no more than 20 pages. The applicant should present any information that would emphasize the value of the project in terms of the significance of the problems addressed. Without such information, the merits of the project may not be fully understood, or the value of the project may be underestimated. The absence of adequate supporting documentation may cause reviewers to question assertions made in describing the project and may result in lower ranking of the project. Information presented in this section should be clearly referenced in the project description.

IV. Evaluation Criteria and Selection Procedures

- A. **Initial evaluation of applications.** Applications will be reviewed by NOAA to assure that they meet all requirements of this announcement, including eligibility and relevance to the Chesapeake Bay Stock Assessment Research Program.
- B. **Consultation with experts in the field of stock assessment research.** For applications meeting the requirements of this solicitation, NMFS will conduct a technical evaluation of each project prior to any other review. This review normally will involve experts from non-NOAA as well as NOAA organizations. All comments submitted to NMFS will be taken into consideration in the technical evaluation of projects. Technical evaluators will submit independent reviews to NMFS. Reviewers will be asked to comment on the following criteria:
 1. Problem description and conceptual approach for resolution, especially the applicant's comprehension of the problem(s), familiarity with related work that is completed or ongoing, and the overall concept proposed to resolve the problem(s) (30 points).
 2. Soundness of project design/technical approach, especially whether the applicant provided sufficient information to technically evaluate the project and, if so, the strengths and weaknesses of the technical design proposed for problem resolution (35 points).
 3. Project management and experience and qualifications of personnel, including organization and management of the project, and the personnel experience and qualifications (15 points).
 4. Justification and allocation of the budget in terms of the work to be performed (20 points).
- C. **Review Panel.** NMFS will convene a review panel consisting of at least three regionally recognized experts in the scientific and management aspects of stock assessment research who will conduct reviews as follows:
 1. Evaluate technical reviews.
 2. Provide independent review based on the same criteria as the technical review.
 3. Discuss all review comments as a panel.

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4. Provide individual panelist scores and suggestions for modifications (i.e., budget, personnel, technical approach, etc.).

D. Funding Decision.

1. Applications will be ranked by NMFS into two groups: (a) Recommended, and (b) not recommended. As previously stated (Section III A), collaborative proposals and applications which propose a cost share are strongly encouraged, and therefore will be given added weight in the selection process. Numeric ranking will be the major consideration for deciding which of the “recommended” proposals will be selected for funding.
2. After projects have been ranked for funding, the Chief of the NOAA/NMFS Chesapeake Bay Office, in consultation with the Assistant Administrator for Fisheries, NOAA, will determine the projects to be recommended for funding based upon the technical evaluations, panel review, and the evaluation factors; ascertain which projects do not substantially duplicate other projects that are currently funded by NOAA or are approved for funding by other Federal offices; and, determine the amount of funds available for the program. The exact amount of funds awarded to each project will be determined in pre-award negotiations between the applicant, the Grants Office, and the NOAA/NMFS Chesapeake Bay Office staff.

V. Administrative Requirements.

A. Obligations of the Applicant.

1. Deliverables - In addition to quarterly status and budget reports, and at the time of submission of the final report of results of funded projects, recipients must submit a four-to-five page summary of project work and results that will be compiled in a report of Chesapeake Bay Stock Assessment Research Program results. Projects that produce non-experimental data must have copies of these data transferred to the NOAA/NMFS Chesapeake Bay Office in both compiled, hard copy format, and as a verified, electronic data file. Full, clearly stated documentation of the contents of such data files must be submitted with these data.
2. Periodic workshops - Investigators will be expected to attend one or two workshops with other Stock Assessment Research Program researchers to encourage interdisciplinary dialogue and forge synthesis of results.
3. Primary applicant certifications - All primary applicants must submit a completed Form CD-511, “Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,” and the following explanations are hereby provided:
 - a. Non-procurement debarment and suspension - Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, “Non-procurement Debarment and Suspension,” and the related section of the certification form prescribed above applies;
 - b. Drug-free workplace-Grantees (as defined at 15 CFR 26.605) are subject to 15 CFR part 26, subpart F, “Government Wide Requirements for Drug-Free Workplace (Grants),” and the related section of the certification form prescribed above applies;

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- c. Anti-lobbying-Persons (as defined at 15 CFR 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, “Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,” and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and
 - d. Anti-lobbying disclosure-Any applicant who has paid or will pay for lobbying using any funds must submit an SF-LLL, “Disclosure of Lobbying Activities,” as required under 15 CFR part 28, appendix B.
4. Lower tier certifications-Recipients shall require applicants/bidders for sub-grants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, “Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying” and disclosure form SF-LLL, “Disclosure of Lobbying Activities.” Form CD-512 is intended for the use of recipients and should not be transmitted to DOC. SF-LLL submitted by any tier recipient or sub-recipient should be submitted to DOC in accordance with the instructions contained in the award document.

B. Other Requirements.

- 1. Federal policies and procedures-Recipients and sub-recipients are subject to all Federal laws and Federal and DOC policies, regulations, and procedures applicable to Federal financial assistance awards.
- 2. Indirect cost rates - The total dollar amount of the indirect costs proposed in an application under this program must not exceed the current indirect cost rate negotiated and approved by a cognizant Federal agency. NOAA’s acceptance of negotiated rates is subject to total indirect costs not to exceed 100% of total direct costs. This language is pursuant to the NOAA Grant and Cooperative Agreements Policy Manual, Chapter 3(b)(2).
- 3. Past performance - Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding. In addition, any recipient and/or researcher who is past due for submitting acceptable progress reports on any previous project funded under this program may be ineligible to be considered for new awards until the delinquent reports are received, reviewed and deemed acceptable by NMFS.
- 4. Financial management certifications/pre-award accounting survey - Successful applicants, at the discretion of the NOAA Grants Officer, may be required to have their financial management systems certified by an independent public accountant as being in compliance with Federal standards specified in the applicable OMB Circulars prior to execution of the award. Any first-time applicant for Federal grant funds may be subject to a pre-award accounting survey by the DOC prior to execution of the award.
- 5. Delinquent Federal debts - No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

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- a. The delinquent account is paid in full;
 - b. A negotiated repayment schedule is established and at least one payment is received; or
 - c. Other arrangements satisfactory to DOC are made.
6. Name checks - Potential recipients may be required to submit an “Identification-Application for Funding Assistance” (Form CD-346), which is used to ascertain background information on key individuals associated with the potential recipient. All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing, criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on the applicant’s management honesty or financial integrity. Applicants will also be subject to credit check reviews.
 7. False statements - A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.
 8. Pre-award activities - If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DOC to cover pre-award costs.
 9. Purchase of American-made equipment and products - Applicants are hereby notified that they will be encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this program in accordance with Congressional intent as set forth in the resolution contained in Public Law 103-317, section 607 (a) and (b).
 10. Other - If an application is selected for funding, DOC has no obligation to provide any additional funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC.

Cooperative agreements awarded pursuant to pertinent statutes shall be in accordance with the Fisheries Research Plan (comprehensive program of fisheries research) in effect on the date of the award.

Classification

This action has been determined to be not significant for purposes of E.O. 12866.

Applications under this program are subject to Executive Order 12372, “Intergovernmental Review of Federal Programs.”

Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This notice contains collections of information subject to the Paperwork Reduction Act, which have been approved by OMB under OMB control numbers 0348-0043, 0348-0044, and 0605-0001.

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Dated: March 7, 1995.

Gary Matlock,
Program Management Officer, National Marine Fisheries Service.
[FR Doc. 95-6312 filed 3-14-95; 8:45 am]
BILLING CODE 3510-22-F

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600.195b

SAMPLE FORMAT FOR ANNOUNCEMENT (NRCS)

REQUEST FOR PROPOSAL

SOLICITATION NO. NRCS-42-LA-98

WETLANDS RESERVE PROGRAM RESTORATION

SUMMARY

The Wetlands Reserve Program (WRP) is a voluntary program to restore and protect wetlands on private property. It is an opportunity for landowners to receive financial incentives to enhance wetlands in exchange for retiring marginal agricultural land. Congress authorized WRP under the Food Security Act of 1985, as amended by the 1990 and 1996 Farm Bills. The U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) administers the program in consultation with the Farm Service Agency (FSA) and other federal agencies. WRP is funded by the Commodity Credit Corporation. There are presently 98,500 acres in Louisiana enrolled in WRP.

CATALOG OF DOMESTIC ASSISTANCE NUMBER: Wetlands Reserve Program—10.072.

DATES: Each applicant must submit one original and five copies of their proposal to Patti D. Woods, Contracting Officer, USDA-NRCS, 3737 Government Street, Alexandria, LA 71302 not later than August 3, 1998, 3:00 p.m. c.s.t. Applications received after that time will not be considered. Proposals will not be accepted by fax.

APPLICATION CONTENT

1. The application package must be submitted with OMB Standard Form 424 (REV. 4-88, including 424A and 424B), Application for Federal Assistance, with the required information filled in and the certified assurances signed. While the Form 424A deals with budget information and Section B identifies Budget Categories, the available space does not permit a level of detail that is sufficient to provide for a meaningful evaluation of the proposed total costs. A supplemental sheet shall be provided that presents a detailed breakdown of the proposed costs, as well as any costs that the applicant indicates will be contributed in support of this project. Applicants shall assume that awards will be made by September 30, 1998 and should prepare their applications accordingly.
2. The application shall include a program narrative statement of not more than 10 pages that addresses the following as a minimum:
 - a. A description of the resources and experience of the organization necessary to successfully complete the project.
 - b. The proposed price per acre for site preparation and vegetative restoration, a price for water control structure installation, and a price per cubic yard for earth work, i.e., levee construction and a levee breach.
 - c. The organization's level of commitment in terms of the staff, equipment resources, and/or funding support necessary to leverage the project.

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- d. A description of the capabilities to fulfill the terms of the cooperative agreement, including a brief description of the organizational entity and of the qualifications, employment status, current responsibilities, and proposed level of effort for the project director, and staff responsible for implementation. Resumes for key personnel should be included in the appendix.
- e. List of past experiences with wetland restoration projects.
- f. The application shall include an appendix. Material should be included only when necessary to support information provided in the narrative. Copies of documents, brochures, etc., are encouraged to demonstrate experience, knowledge, skills, and abilities.

PERIOD OF SUPPORT

The project described in the announcement will be supported through the award of one or more cooperative agreements depending upon the merit of the applications received and the availability of funding. It is anticipated that the cooperative agreement(s) will range from \$6,000,000 to \$10,000,000 over a five-year period. Project efforts involving the restoration of designated WRP sites must be completed within three years after funding.

ELIGIBILITY AND LIMITATION ON USE OF FUNDS

Eligibility to apply for this funding is limited to nonprofit organizations. Awards are subject to the availability of funds being appropriated by Congress. Each proposal received will be evaluated according to the factors listed in this solicitation, after which the State Conservationist will develop one or more cooperative agreements, with specific terms of the WRP for each proposal accepted. This request for proposal is subject to the provisions found in 7 CFR, Parts 3015 and 3019, the Uniform Administrative Requirement for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-profit Organizations that set forth the procedures to be followed when submitting grant proposals and the rules governing the evaluation, award, and administration of grants/cooperative agreements. Other guidance documents include 7 CFR, Part 3051, the Audits of Institutions of Higher Education and Other Non-profit Institutions, and OMB Circular A-110 and A-122.

For general project requirements, the following cost items are considered to be allowable uses of Federal funds:

- a. Costs associated with vegetative restoration including the acquisition of seedling, planting, site preparation, and overhead expenses.
- b. Costs associated with hydrology restoration including the cost of the installation of water control measures such as levees, dikes, earth plugs, structures, and overhead expenses.

Subpart I – Exhibits

PROGRAM OBJECTIVES

The objectives of the WRP is to protect, restore and enhance the original hydrology, native vegetation, and natural topography of eligible lands; restore and protect the functions and values of wetlands in the agricultural landscape; help achieve the national goal of no net loss of wetlands; and improve the general environment of the country. There are an estimated 65,000 acres to be restored in Louisiana under this agreement. The acres are located primarily in Northeast and Central Louisiana. The cooperator will be responsible for the implementation of restoration as outlined in NRCS specifications, to include site preparation, obtaining the required seedlings, installation of water control structures, and quality control. Cost sharing by the cooperator is anticipated. There will be substantial involvement between NRCS and the cooperator during the performance of the work, establishing a “partnership” during performance.

WETLAND VALUES

First and foremost, habitat for wildlife and migratory birds, including threatened and endangered species, better water quality, reduced soil erosion, reduced flooding, recharge of groundwater reserves, and educational, scientific, recreational and aesthetic benefits are realized through WRP. Eligible applicants will have thorough knowledge and experience in the achievement of these values.

PROJECT DESCRIPTION

1. Restoration of the hydrologic regime and the native plant community on WRP areas in accordance with a restoration plan including designs and specifications provided by NRCS.
2. Projects will range in size and complexity, and will be located across the State of Louisiana. The average WRP tract is 500 acres (See enclosed map).
3. Typically the project areas will be farmed wetlands and farmed wetland pastures with at least 30 percent of the area restored to the hydrologic regime.
4. The cooperator will provide a time line to show the expected schedule of accomplishments and target dates for completion.
5. The cooperator will provide for the inspection and quality control of each WRP restoration contract.
6. The cooperator will furnish the NRCS a monthly status report of work in progress.
7. The cooperator will complete LA-CPA-33A compliance check worksheet according to NRCS specifications and the design check-out sheets for water control structures.

NRCS will:

1. Provide a Contracting Officer's Technical Representative to participate in the planning and management of the cooperative agreement and coordinate activities between the cooperator and NRCS.
2. Provide, at no cost to the cooperator, training and technical assistance in preparation of restoration including necessary worksheets for compliance and quality control.

Subpart I – Exhibits

3. Conduct an initial briefing at NRCS state office in Louisiana within 30 days after the award. The purpose of the meeting will be review the goals and objectives of the project.
4. Provide oversight and evaluation of the restoration projects.
5. Provide designs and specifications.
6. Delineate boundary areas including the easement area, hydrologic restoration area, wildlife food plots, natural regeneration areas, etc.

EVALUATION FACTORS

Initially, all application packages will be reviewed to confirm that the applicant is an eligible recipient and to ensure that the application contains all of the items specified in the Application Content section of this announcement. Each complete application from an eligible recipient will then be evaluated by an evaluation committee. The applications will be evaluated using the following criteria that are listed in descending order of importance:

1. Organizational capabilities (40%). The adequacy of organizational resources and experience to successfully manage and perform the project. Share in a common mission that supports the restoration, protection, and enhancement of wetlands. Capable of providing in-kind contributions and other sources of financial support toward meeting the objective of the project.
2. Project personnel (30%). The adequacy of the proposed personnel to successfully perform the project, including qualifications and experience, the various disciplines represented, and the relative level of effort proposed for the professional, technical and support staff. The reasonableness and feasibility of the applicant's approach for successfully achieving the objectives of the project within the required time frame.
3. Understanding the intent of the program (30%). The applicant's recognition of the project and the full understanding of the intent of the Wetlands Reserve Program.

SPECIAL AWARD SELECTION FACTORS

After evaluating all applications received, in the event that insufficient funds are available to award to all meritorious applications, NRCS will consider the following special award factors in the award decision.

1. Priority will be given to the applications from organizations that share in a common mission area.
2. Priority will be given to the prioritized wetland restoration projects and not based on location of sites.
3. Priority will be given to the applications that demonstrate the ability to successfully achieve the objectives of the project within the required time frame.
4. Priority will be given to applicants who have the highest probability of providing in-kind contributions and other sources of financial support.

Subpart I – Exhibits

SELECTION

Each proposal will be evaluated and ranked in accordance with the evaluation factors listed above. Discussions may be held with each applicant regarding the applicants experience, the proposed plan of action, or alternative courses of action. After selection, NRCS will enter into negotiations with the selected applicant(s) to discuss cost and the terms and conditions of the cooperative agreement to be signed. The cooperative agreement will contain a list of the WRP contracts to be restored.

TERMS AND CONDITIONS OF THE AWARD

1. The cooperator will comply with the Special Provisions outlined in Attachment A of this solicitation.
2. The program or activities conducted under this agreement will be in compliance with the nondiscrimination provision contained in the Titles VI and VII of the Civil Rights Act of 1964, as amended; the Civil Rights Restoration Act of 1987 (Public Law 100-259); and other nondiscrimination statutes; namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975, and in accordance with regulations of the Secretary of Agriculture (7 CFR-15, Subparts A & B) that provide no person in the United States shall on the grounds of race, color, national origin, age, sex, religion, marital status, or handicap be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Agriculture or any agency thereof.
3. The agreement will be administered in accordance with 7 CFR, Part 3015 and 3019 and OMB Circular A-110 and A-122.
4. The cooperator will attend an initial briefing to be held within 30 days of award.
5. Within 30 days after the initial briefing, the cooperator shall deliver a detailed action plan and schedule for accomplishing the project. The action plan and schedule will be based on the priorities established by the NRCS.

FOR FURTHER INFORMATION: Contact Patti D. Woods, Contracting Officer, (318) 473-7645 or FAX (318) 473-7831; Billy R. Moore, Assistant State Conservationist for Programs, (318) 473-7755.

Subpart I – Exhibits

600.196

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS – PRIMARY COVERED TRANSACTIONS

U.S. DEPARTMENT OF AGRICULTURE

Certification Regarding Debarment, Suspension, and Other Responsibility Matters – Primary Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989, Federal Register (pages 4722-4733). Copies of the regulations may be obtained by contacting the Department of Agriculture Agency offering the proposed covered transaction.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective primary participant certifies to the best of its knowledge and belief that it and its principals:
- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or Agency;
 - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment, rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraphs (1) (b) of this certification; and
 - d. Have not within a three-year period preceding this application / proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this proposal.

Organization Name

PR/Award Number or Project Name

Name(s) and Title(s) of Authorized Representative(s)

Signature(s)

Date

Subpart I – Exhibits

600.197

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this form, the prospective primary participant is providing the certification set out on the reverse side in accordance with these instructions.
2. The inability of a person to provide the certification required below will not necessarily result in a denial of participate in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out on this form. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such persons from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this form that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Form AD-1047 (1/92)

Subpart I – Exhibits

600.198

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS -- LOWER TIER COVERED TRANSACTIONS

U.S. DEPARTMENT OF AGRICULTURE

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

This certification is required by the regulations Implementing Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989, Federal Register (pages 4722-4733). Copies of the regulations may be obtained by contacting the Department of Agriculture agency with which this transaction originated.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name PR/Award Number or Project Name

Name(s) and Title(s) of Authorized Representative(s)

Signature(s)

Date

Form AD-1048 (1/92)

Subpart I – Exhibits

600.199

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this form, the prospective lower tier participant is providing the certification set out on the reverse side in accordance with these instructions.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees that by submitting this form, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this form that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension an/or debarment.

Form AD-1048 (1/92)

Subpart I – Exhibits

600.200

FINANCIAL STATUS REPORT (Long Form)

1. Federal Agency and Organizational Element to Which Report is Submitted		2. Federal Grant or Other Identifying Number Assigned by Federal Agency		OMB Approval No	Page	of
3. Recipient Organization (Name and complete address, including ZIP Code)						
4. Employer Identification Number		5. Recipient Account Number or Identifying Number		6. Final Report <input type="checkbox"/> Yes <input type="checkbox"/> No		7. Basis <input type="checkbox"/> Cash <input type="checkbox"/> Accrual
8. Funding/Grant Period (See Instructions) From: (Month, Day, Year)		9. Period Covered by this Report To: (Month, Day, Year)		From: (Month, Day, Year)		To: (Month, Day, Year)
10. Transactions		Previously Reported		This Period		III Cumulative
a. Total outlays						
b. Refunds, rebates, etc.						
c. Program income used in accordance with the matching or cost sharing alternative						
d. Net outlays (Line a, less the sum of lines b and c)						
e. Third party (in-kind) contributions						
f. Other Federal awards authorized to be used to match this award						
g. Program income used in accordance with the matching or cost sharing alternative						
h. All other recipient outlays not shown on lines e, f, or g						
i. Total recipient share of net outlays (Sum of lines e, f, g and h)						
j. Federal share of net outlays (line d less line i)						
k. Total unliquidated obligations						
l. Recipient's share of unliquidated obligations						
m. Federal share of unliquidated obligations						
n. Total Federal share (sum of lines j and m)						
o. Total Federal funds authorized for this funding period						
p. Unobligated balance of Federal funds (line o minus line n)						
q. Disbursed program income shown on lines c and/or g above						
r. Disbursed program income using the addition alternative						
s. Undisbursed program income						
t. Total program income realized (Sum of lines q, r and s)						
11. INDIRECT EXPENSE		A. Type of Rate (Place "X" in appropriate box) <input type="checkbox"/> Provisional <input type="checkbox"/> Predetermined <input type="checkbox"/> Final <input type="checkbox"/> Fixed				
		b. Rate		c. Base	d. Total Amount	e. Federal Share
12. Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.						
13. Certification: I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.						
Typed or Printed Name and Title				Telephone (Area code, number and extension)		
Signature of Authorized Certifying Official				Date Report Submitted		

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269-104
200-498 P.O. 139 (Face)

Standard Form 269 (Rev 7-97)
Prescribed by OMB Circulars A-102 and A-110

(120-V1-FGCAH, Nov., 1998)

Exhibits 600-108

Subpart I – Exhibits

600.201

INSTRUCTIONS FOR FINANCIAL STATUS REPORT

(Long Form)

Please type or print legibly. The following general instructions explain how to use the form itself. You may need additional information to complete certain items correctly, or to decide whether a specific item is applicable to this award. Usually, such information will be found in the Federal agency's grant regulations or in the terms and conditions of the award (e.g., how to calculate the Federal share, the permissible uses of program income, the value of in-kind contributions, etc.). You may also contact the federal agency directly.

Item	Entry	Item	Entry
1.	2 and 3. Self-explanatory.	10b.	Enter any receipts related to outlays reported on the form that are being treated as a reduction of expenditure rather than income, and were not already netted out of the amount shown as outlays on line 10a.
4.	Enter the Employer Identification Number (EIN) assigned by the U.S. Internal Revenue Service.	10c.	Enter the amount of program income that was used in accordance with the deduction alternative.
5.	Space reserved for an account number or other identifying number assigned by the recipient.	Note:	Program income used in accordance with other alternatives is entered on lines q, r, and s. recipients reporting on a cash basis should enter the amount of cash income received; on an accrual basis, enter the program income earned. Program income may or may not have been included in an application budget and/or a budget on the award document. If actual income is from a different source or is significantly different in amount, attach an explanation or use the remarks section.
6.	Check yes, only if this is the last resort for the period shown in item 8.	10d.	e, f, g, h, i and j. Self-explanatory.
7.	Self explanatory.	10k.	Enter the total amount of unliquidated obligations incurred, but not yet paid. On an accrual basis, they are obligations incurred, but for which an outlay has not yet been recorded.
8.	Unless you have received other instructions from the awarding agency, enter the beginning and the ending dates of the current funding period. If this is a multi-year program, the Federal agency might require cumulative reporting through consecutive funding periods. In that case, enter the beginning and ending dates of the grant period, and in the rest of these instructions, substitute the term "grant period" for "funding Period."		Do not include any amounts on line 10k that have been included on lines 10a and 10j.
9.	Self-explanatory.		On the final report line 10k must be zero.
10.	The purpose of columns, I II, and III is to show the effect of this reporting period's transactions on cumulative financial status. The amounts entered in column I will normally be the same as those in column III of the previous report <i>in the same funding period</i> . If this is the first or only report of the funding period, leave columns I and II blank. If you need to adjust amounts entered on previous reports, footnote the column I entry on this report and attach an explanation.	10l.	Self-explanatory.
10a.	Enter total gross program outlays. Include disbursements of cash realized as program income if that income will also be shown on lines 10c or 10g. So not include program income that will be shown on lines 10r or 10s.	10m.	On the final report, line 10m must also be zero.
	For reports prepared on a cash basis, outlays are the sum of actual cash disbursements for direct costs for goods and services, the amount of indirect costs for goods and services, the amount of indirect expense charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to sub-recipients. For reports prepared on an accrual basis, outlays are the sum of actual cash disbursements for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase of decrease in the amounts owed by the recipient for goods and other property received, for services performed by employees, contractors, sub-grantees and other payees, and other amounts becoming owed under programs for which no current services or performances are required, such as annuities, insurance claims, and other benefit payments.	10n.	o, p, q, r, s, and t. Self-explanatory.
		11a.	Self explanatory.
		11b.	Enter the indirect cost rate in effect during the reporting period.
		11c.	Enter the amount of the base against which the rate was applied.
		11d.	Enter the amount of the indirect costs charged during the report period.
		11e.	Enter the Federal share of the amount on 11d.
		Note:	If more than one rate was in effect during the period shown in item 8, attach a schedule showing the bases against which the different rates were applied, the respective rates, the calendar periods that were in effect, amounts of indirect expense charged to the project, and the Federal share of indirect expense charged to the project to date.

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600.202

Subpart I – Exhibits

Subpart I – Exhibits

600.203

INSTRUCTIONS FOR REQUEST FOR ADVANCE OR REIMBURSEMENT

Instructions

Please type or print legibly. Items 1, 3, 5, 9, 10, 11e, 11f, 11g, 11i, 12 and 13 are self-explanatory.
Specific instructions for other items are as follows:

<i>Item</i>	<i>Entry</i>	<i>Item</i>	<i>Entry</i>
2.	Indicate whether request is prepared on cash or accrued expenditure basis. All requests for advances shall be prepared on a cash basis.		are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page.
4.	Enter the Federal grant number or other identifying number assigned by the Federal sponsoring agency. If the advance or reimbursement is for more than one grant or other agreement, insert N/A; then show the aggregate amounts. On a separate sheet, list each grant or agreement number and the Federal share of outlays made against the grant or agreement.	11a.	Enter in "as of date," the month, day, and year of the ending of the accounting to which this amount applies. Enter program outlays to date (net of refunds, rebates, and discounts), in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subcontractors and sub-recipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contracts, sub-grantees and other payees.
6.	Enter the employer identification number assigned by the U.S. Internal revenue Service, or the FICE (institution) code if requested by the Federal agency.		
7.	This space is reserved for an account number or other identifying number that may be assigned by the recipient.		
8.	Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested.	11b.	Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant or other agreement.
Note:	The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not both. Item 12 should be used when only a minimum amount of information is needed to make an advance and outlay information contained in item 11 can be obtained in a timely manner from other reports.	11d.	Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance.
11.	The purpose of the vertical columns (a), (b) and (c) is to provide space for separate cost breakdowns when a project has been planned and budgeted by program, function, or activity. If additional columns	13.	Complete the certification before submitting this request.

STANDARD FORM 270 (Rev. 7-97) Back

Subpart I – Exhibits

600.204

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED		Applicant Identifier	
1. TYPE OF SUBMISSION: APPLICATION PREAPPLICATION € Construction € Construction € Non-construction € Non-construction		3. DATE RECEIVED BY STATE		State Application Identifier	
2.		4. DATE RECEIVED BY FEDERAL AGENCY			
5. APPLICANT INFORMATION					
Legal Name: Address: (give city, county, state and zip code)			Organizational Unit: Name and telephone number of the person to be contacted on matters involving this application (give area code)		
6. EMPLOYER IDENTIFICATION NUMBER (EIN):			7. TYPE OF APPLICANT: (enter appropriate letter in box) <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District </div> <div style="width: 45%;"> H. Independent School District I. State Controlled Institute of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) _____ </div> </div>		
7. TYPE OF APPLICATION: <div style="text-align: center;">New Continuation Revision</div> If Revision, enter appropriate letter(s) in box(es) A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (Specify) _____					
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: TITLE:			9. NAME OF FEDERAL AGENCY:		
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, Etc)			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:		
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:			
START DATE	ENDING DATE	a. Applicant	b. Project		
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE: _____ b. NO. PROGRAM IS NOT COVERED BY E.O. 12372 OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW			
a. Federal	\$.00			
b. Applicant	\$.00			
c. State	\$.00			
d. Local	\$.00			
e. Other	\$.00			
f. Program Income	\$.00			
g. TOTAL	\$.00			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.					
a. Type Name of Authorized Representative		b. Title		c. Telephone Number	
d. Signature of Authorized Representative				e. Date Signed	

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**Standard Form 424 (Rev 4-92)
Prescribed by OMB Circular A-102**

Subpart I – Exhibits

600.205

SF-424, APPLICATION FOR FEDERAL ASSISTANCE INSTRUCTIONS FOR COMPLETION

1. Block 1: Type of Submission. The appropriate block should be marked as to whether the application involves a construction or non-construction project. The application should not be designated construction if the project involves insignificant amounts of construction as opposed to nothing but the building of a structure.

2. Block 4: Date Received by Federal Agency/Federal Identifier. These blocks should be left blank by the applicant.

3. Block 6: Employer Identification Number. Tax Identification Number or the Social Security Number is listed here.

4. Block 8: Type of Application. Identify the type of application for an initial grant or cooperative agreement as “new.”

5. Block 10: Catalog of Federal Domestic Assistance Number. Obtain this number from the semi-annual Catalog of federal Domestic Assistance.

6. Block 12: Areas Affected by Project. List the largest political entities affected (States, counties, and cities).

7. Block 15: Estimated Funding.

a. Block 15a: Federal. Use this block to show the anticipated NRCS funding for the project.

b. Block 15b: Applicant. Show the applicant contribution or matching requirement (if any). The total applicant contribution may be made up of non-cash or in-kind contributions. To capture the true reflection of total project costs, the applicant’s contribution should be separated by whichever categories are applicable. This can be accomplished by either entering two lines in Block 15b or using Block 15e (Other), with wording designating the type of contribution, or in the remarks block of SF-424A. If the remarks block is used, an asterisk should be shown on Block 15b of SF-424 so they correlate properly and all parties clearly understand what makes up the total project cost.

An applicant non-cash contribution is the expense the applicant incurs that is contributed to the project in lieu of cash for their share of direct and indirect costs, such as employee salaries, overhead, travel, equipment, supplies, and so forth. These do not include in-kind contributions from third parties, nonfederal organizations, or volunteer labor. In-kind contributions are non-cash contributions from third parties that the applicant receives to be used in the project, such as volunteer labor, donated materials, and equipment, where the applicant incurs no expense. In-kind contributions are not reimbursable.

c. Block 15e: Other. Show any contributions the applicant receives from non-Government organizations, private industry, and individuals

d. Block 15f: Program Income. Show any anticipated program income, such as registration fees for attendance of a conference that the applicant should receive during the performance of the grant or cooperative agreement.

8. Block 16: State Review. Applicants must contact their State Single Point of Contact to determine whether the

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Exhibits 600-113

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application is subject to the State(s) Intergovernmental Review Process. It is the applicant's responsibility to contact the States and ensure the application is reviewed properly prior to submission to the NRCS.

- 9. Block 18: Signature Blocks.** This block is signed by a duly authorized representative of the applicant.

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600.206

SF-424, APPLICATION FOR FEDERAL ASSISTANCE INSTRUCTIONS FOR COMPLETING REVISIONS

To revise a grant or cooperative agreement, complete an SF-424, Application for Federal Assistance. The following blocks should identify the details of the revision:

A **Block 4, Date Received by Federal Agency.** Leave blank.

B. **Block 8, Type of Application.** Complete this block as either:

a. Continuation (time), or

b. Revision. Mark this block if the grant or cooperative agreement involves a change including such items as a revision of the project narrative, budget elements, key personnel, period of performance, funding increase or decrease, or any combination, falling within the original scope and intent of the initial grant or cooperative agreement. The “other” box should be used to indicate changes in the project narrative, budget, and so forth.

C. **Block 13, Proposed Project (Start Date/End Date).** Leave blank for revisions, and fill in new ending date for extensions.

D. **Block 15, Estimated Funding.** Fill in new numbers for revisions, and leave blank for extensions.

E. **Block 18, Signature Blocks.** This block must be signed by a duly authorized representative of the applicant.

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600.207

Subpart I – Exhibits

600.208

ASSURANCES—NON-CONSTRUCTION PROGRAMS

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for /federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §47428-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a merit System of personnel Administration (5 C.F.R.900, Subpart F.).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VVI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 .S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (I) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5U.S.C §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with provisions of the Davis-Bacon Act (40 U.S.C. §§276a and 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §§874), and the Contract work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction sub-agreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 115114; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42U.S.C. §7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (p.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance

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with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C §§ 4801 et seq.) which prohibits use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

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15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2132 et seq.)

<u>SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL</u>	<u>TITLE</u>
<u>APPLICANT ORGANIZATION</u>	<u>DATE SUBMITTED</u>

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600.209

BUDGET INFORMATION --- CONSTRUCTION PROGRAMS

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

Cost Classification	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Column a-b)
1. Administrative and legal expenses	\$	\$	\$
2. Land, structures, rights-of-way, appraisals, etc.	\$	\$	\$
3. Relocation expenses and payments	\$	\$	\$
4. Architectural and engineering fees	\$	\$	\$
5. Other architectural and engineering fees	\$	\$	\$
6. Project inspection fees	\$	\$	\$
7. Site work	\$	\$	\$
8. Demolition and removal	\$	\$	\$
9. Construction	\$	\$	\$
10. Equipment	\$	\$	\$
11. Miscellaneous	\$	\$	\$
12. SUBTOTAL (sum of lines 1-11)	\$	\$	\$
13. Contingencies	\$	\$	\$
14. SUBTOTAL	\$	\$	\$
15. Project (program) income	\$	\$	\$
16. TOTAL PROJECT COSTS (subtract 15-14)	\$	\$	\$

FEDERAL FUNDING

17. Federal assistance requested, calculate as follows:
 (Consult Federal Agency for Federal percentage share).
 Enter the resulting Federal share. x _____% \$

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Prescribed by OMB Circular A-

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600.210

ASSURANCES – CONSTRUCTION PROGRAMS

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interests in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with the awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 USC 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include, but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794) which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as

- amended (42 U.S.C. 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.O. 93-255), as amended, relating to non-discrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to the confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to non-discrimination in the sale, rental, or financing of housing; (i) any other non-discrimination provisions in the specific statute(s) under which application for Federal assistance is being made, and (j) the requirements on any other non-discrimination Statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a and 276a-7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874), the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), regarding labor standards for federally assisted construction sub-agreements.
14. Will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard areas to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environment standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.O. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d)

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evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone management Act of 1972 (16 U.S.C 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of

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drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers systems.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.)
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
19. Will comply with all applicable requirements of all other Federal laws, Executive Orders, regulations and policies governing this program.

<u>SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL</u>	<u>TITLE</u>
<u>APPLICANT ORGANIZATION</u>	<u>DATE SUBMITTED</u>

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600.211

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ report _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Known: _____		5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Known: _____
6. Federal Department/Agency:		7. Federal Program Name / Description: CFDA Number, If applicable: _____
8. Federal Action Number, if known:		9. Award Amount, if known: \$ _____
10. a. Name and Address of Lobbying Entity (If individual, last name, first name, MI)		b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):
(attach Continuation Sheet(s) SF-LLL-A, if necessary)		
11. Amount of Payment (check all that apply): \$ _____ <input type="checkbox"/> Actual <input type="checkbox"/> Planned		13. Type of Payment (check all that apply) <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. Other, specify: _____
12. Form of Payment (check all that apply) <input type="checkbox"/> Cash <input type="checkbox"/> In-kind; specify: _____ Value: _____		
14. Brief Description of Services Performed or to be Performed and Date(s) of Service, Including officer(s), employee(s), or Member(s) contacted, for Payment indicated in Item 11: (attach Continuation Sheet(s) SF-LLL-A, if necessary)		
Continuation Sheet(s) SF-LLL-A attached: <input type="checkbox"/> Yes <input type="checkbox"/> No		
16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.		Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____
Federal Use Only:		Authorized for Local Reproduction Standard Form - LLL

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600.212

INSTRUCTIONS FOR COMPLETION OF SF-LLL DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether sub-awardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or sub-award recipient. Identify the tier of the sub-awardee, e.g., the first sub-awardee of the prime is the 1st tier. Sub-awards include but are not limited to subcontracts, sub-grants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Sub-awardee," then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description of the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; invitation for Bid (IFB) number, grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

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**DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET**

Reporting
Entity: _____

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